THE DVTIES OF CONSTABLES, BORSHOLDERS, TYTHINGMEN, and such other low and Lay Ministers of the Peace.

WHEREVNTO BE ADIOYNED, THE *seuerall offices of Church Ministers and Churchwardens*, and Ouerseers for the Poore, Surueighours of the highwaies, and distributors of the prouision against noysome fowle and vermine.

First collected by WILLIAM LAMBARD *of Lincolnes Inne* GENT.

And now enlarged in the yeare 1604.

With an addition of the effect of the statutes, made in the Session of Parliament last holden, which *are most necessarie for such Officers to know, as* touching their Offices, and for the releife and ordering of the infected with the Plague.

AT LONDON Imprinted for the Companie of Stationers. 1605.

Cum Priuilegio.

The duties of Constables, Borsholders, Tythingmen, and such other low Ministers of the peace.



Vnderstanding by sundry friends of mine, that many wel disposed men do earnestly wish, that some one short and plain collection might bee made of the duties of High Constables, petie Constables, Borsholders, Tythingmen, Hedborows, and such like inferiour Ministers of the Kings Maiesties peace: to the ende that when any of them should be called to any of the sayd offices (or the like) they might the better behaue themselues in doing the same: I haue thought it a thing worthie the labour, to sende abroad among them this little Treatise, which I haue drawne to satisfie in some part their honest desire: hartilie praying vnto God, that as their knowledge may be increased in the reading hereof, so also their diligence may be amended in the practise of the same, to the setting forth of the glory of God, and to the aduancement

1 The pre face.

of the Kings Maiesties seruice in this behalfe.

The diuision of this worke.

2 And because I purpose (by the helpe of God) to make this worke so short, and so plaine withall, as the matter thereof it selfe will suffer me, and as the vnderstanding of vnlearned men doth require: I will first speak somewhat, both of the sundry names & beginnings of these officers, and then afterward I will goe in hand with the parts of their seuerall dueties.

The names of these Officers.

3 The sundry names of Constables, or High Constables, that be of Laths, Rapes Wapentakes, Hundreds, & Franchises: & the diuerse names also of Cõstables, pety Constables, Tythingmen, Borsholders, Boroheads, Headboroes, chiefe pledges, and such other (if there be any) that beare office in townes, parishes, hamlets, tithings, or borowes (for of Constables of Castles, otherwise called Castellans, and such others I meane not to entreate) are all (in effect) but two, that is to say, Constables and Borsholders: for these two words do containe as much as all the rest of those names, and to those two al the rest of them may be reduced: and therefore, in speaking seuerally of those two, I will passe along and touch all the rest also.

Constables name.

4 The name Constable, is made (as I haue

haue read) of two Engliſh words put together, namely, Cunig, (or Cyng) & Staple, which doe ſignifie, the ſtay (or hold) of the king. For by the auncient cuſtome of this realme, there is a great officer, called the Conſtable of England, who by meanes of the high authoritie that he had, was a principall ſtay vnto ỹ Kings gouernment: and this man had iuriſdiction & authority in deedes of Armes, and matters of war, both within & without the realme. Out of which office, this lower Conſtableſhip was at the firſt drawne and fetched, and is (as it were) a very finger of that hand. For the ſtatute of *Wincheſter*, which was made in the time of K. Edward the firſt, & by which theſe lower Conſtables of hundreds and Franchiſes were firſt ordained, doth (amõgſt other things) appoint, that for the better keeping of the Peace, two Conſtables in euery Hundred and Franchiſe, ſhould make the view of Armour.

1. R. 2. c. 13.

13. E. 1. His beginning.

So then, the name of Conſtable in a hundred or Franchiſe doth meane, that he is an officer, that ſupporteth the Kings Maieſtie in the maintenance of his peace within the precinct of his hũdred or franchiſe: & he is many times called the High Cõſtable, in cõpariſon of the Conſtables, or petty Conſtables, that be in the townes,

or parishes within his hundred or franchise, whose part it likewise is, to maintaine the peace within the seuerall limits of their owne townes or parishes.

Borsholders name.

5 As touching Borsholder (which is the other generall name, & doth contain within it the meaning of Tythingmen, Borowheades, Headborowes, Thirdborowes, & chiefe pledges) that also is made vp of these two English words, Borhes, & Ealder, of the which Borhes betokeneth pledges, & Ealder signifieth the Chiefe, the Head, or the Ealder: and Borshsealder in one word, doth meane the chiefe (or head) of the suerties, or pledges.

His two offices.

6 But now that you may the better vnderstand what is meant by this, you must further know, that euery of these Borsholders, Tithingmē, Borowheads, Hedborows, Thirdborowes, & chiefe pledges, hath two seuerall offices at this day: the one being his auncient and first office, and the other his latter made office.

His first office.

7 His first office beganne thus: by the auncient lawes of this realme (before the cōming in of king William the Conquerour) it was ordeined for ꝑ more sure keeping of the Peace, & for the better repressing of theeues & robbers, ꝑ all free borne men should call themselues into seuerall compa-

Archaionomia.

companies, by ten in each companie: and that euery of thoſe tenne men of the companie, ſhould be ſuertie and pledge for the forth-comming of his fellowes: ſo that if any harme were done by any of theſe ten againſt the peace, then the reſt of the ten ſhould be amerced, if he of their company that did the harme ſhould flie, and were not forth-comming to anſwere to that wherewith he ſhould be charged.

And for this cauſe, theſe companies be yet in ſome places of England (& namely with vs in Kent) called Boroes, of the ſaid word Borhes, Pledges, or ſuerties: albeit in the weſterne parts of the Realme they be commonly named Tythings, becauſe they containe (as I tolde you) the number of ten men with their families. And euen as ten times ten doe make an hundred: ſo, becauſe it was then alſo appoynted that tenne of theſe companies ſhould at certaine times meete together for their matters of greater waight, therefore that generall aſſembly (or court) was (and yet is) called a Hundred.

Furthermore it was then alſo ordained, that if any man were of ſo euill credite, that he could not get himſelfe to bee receiued into one of theſe Tithinges or Boroes, then he ſhould be ſhut vp in pri-

son, as a man vnworthie to liue at liberty, amongst men abroad.

Tythingmen, Headborowes, &c.

8 Now whereas euery of these Tithings (or Boroes) did vse to make choise of one man amongst themselues, to speake, & to do, in the name of them all: he was therefore in some places called the Tithingman, in other places the Boroes Elder (whom we now call Borsholder) in other places the Borohead or Hedborow, & in some other places the chiefe pledge, which last name doth plainly expound the other three that are next before it: for Head or Elder of the Boroes, & chiefe of the pledges, be al one. And in some shires, where euery Third-borow hath a Constable, there 3 officers of the other two be called Thirdborows.

Orders in Tythings.

9 Moreouer, in these Tithings (or Boroes) sundry good orders were obserued, & amongst others: first, that euery man of the age of xii. yeeres should be sworne to the King: that then no man should be suffered to dwell in any towne or place, vnlesse he were also receiued into some such suertiship & pledge as is afore said. Thirdly, that if any of these pledges were imprisoned for his offence, then he ought not to be deliuered without the assent of the rest of his pledges. Against, that no man might remoue out of ons Tithing (or Boroe)

Iun. Kang. Vid. 45. Ed. 3. 27. Et Kitch. Fol. 12.

roe) to dwell in an other, without lawfull warrant in that behalfe. Laſtly, that euery of theſe pledges ſhould yeerely bee preſented and brought forth by their chiefe pledge at a generall aſſembly for that purpoſe. which wee yet in remembrance thereof do call, the View of Frankpledge or the Leet court.

10 Hitherto I haue opened the ancient office of the *Borſholder*, *Tythingman*, and the reſt, whereof alſo there is yet to this day ſome ſhew or remnant in our *Leets* (or *Law* daies) but if the very ſubſtance thereof were throughly performed (as I know no let, but that by law it may) then ſhould the Peace of the Land bee much better maintained than now it is.

His latter office.

As touching the latter office that theſe Borſholders, Tithingmen, Hedborows, Boroheds, Thirdboroes, & chiefe pledges haue, it is in maner all one with the office of a Conſtable of a town, or pariſh, which is commonly named a pettie Conſtable, or vnder Conſtable, becauſe he is a ſmall Conſtable, in reſpect of the Conſtable, of his hundred, within whoſe limit he is.

For as about ỹ beginning of the raigne of king E. 3. pettie Conſtables were deuiſed in townes & pariſhes for the aid of the Conſtables of the Hundred: ſo of latter

times

times also, Borsholders, Tithingmen, Headborowes, & such like haue bin vsed as petie Constables within their owne Borowes and tythings. And yet not so vniuersally, but that some of them haue at this day none other but their ould office. For in some of the Westerne parts of England, you shal see, that where there be many Tythingmen in one parish, there onely one of them is a Constable for the King, and the rest doe serue but as the auncient Tythingmen did. Now therefore hauing spoken of the names and beginnings of these inferiour officers of the Peace, let vs also come to the parts of their common and seuerall duties.

Diuision of their office.

11 Forasmuch as a great and chiefe part of the dutie both of these high Constables, of Lathes, Rapes, Wapentakes, Hundreds, and Franchises: and also of these Constables, petie Constables, Tythingmen, Borsholders, Borowheads, Headborowes, Thirdborowes, chiefe pledges, and such like ministers, by whatsoeuer other names they be called in any Townes, Parishes, Tithings, Borowes, Hamlets, or other places of the Realme, doth consist in the maintenance of the Kings Maiesties peace, wherein (as also in some other points) the power of them

all

all is alike, and but one, within their ſeuerall limits and places of authority: therefore I thinke it good to ſhew, firſt, what their common and equall duety is in matters concerning the peace, eyther by their owne authoritie, or vnder the authoritie of others: then afterward to declare, what their common and like duetie is in ſome other thinges not concerning the peace: laſtly, to open thoſe thinges wherein they haue a diſtinct and ſeuerall duetie, one from another of them.

Their office concerning the Peace.

12 The Conſeruation (or maintenance) of the peace ſtandeth in three things, that is to ſay: firſt, in foreſeeing that nothing be done, that tendeth either directly, or by meanes, to the breach of the peace: ſecondlie, in quieting or pacifying thoſe that are occupied in the breach of the peace: and thirdly, in puniſhing ſuch as haue already broken the peace.

What is the breach of the peace

And here, leaſt any man ſhould be deceiued in not vnderſtanding what is meant by theſe words, The breach of the peace, he muſt firſt of al know, that by ỹ breach of the peace, is vnderſtood, not onely that fighting, which wee commonly call the breach of the peace, but alſo that euerie murder, rape, manſlaughter, and felony whatſoeuer, and euery affraying (or putting

ting in feare) of the Kinges people, whether it bee by vnlawfull wearing of Armour, or by assembling of people to doe any vnlawfull act, are taken to be disturbances or breaches of the Peace.

To preuent things against the Peace.

13 But now, for the better preuenting that nothing be done against the Peace, any of these Officers aforesaid may take (or arrest) suspected persons, which walke in the night, & sleepe in the day: or which do haunt any house, where is suspition of baudrie: and they may carrie them before a Iustice of the Peace, to find suerties of their good behauiour. And if any such Officer be not of sufficient strength to do that alone, then may he take meet ayde of his neighbors therto: & they in such cases be compellable to help and assist him. 17.H.7. 10.Cur.

Any of these officers may also arrest such strange persons as do walke abroad in the night season: and for that cause the said statute of *Winchester* did ordaine, that night watches should be kept yeerly, from the feast of the Ascension vntill Michaelmas, by sixe men at euery gate of euerie Citie, by twelue men in euery Borough-towne, and in euery other towne by sixe men, or foure men, according to the number of Inhabitants in the Towne, all the night long, from sunne setting to sunne rising: Fit. in Iust. del. P. 171. 13.E.1.

riſing: ſo that if any ſtranger did paſſe, he ſhould be arreſted till the morning, and then ſet at large (if no ſuſpitiõ were found of him) but if any ſuſpition fel out againſt him, then hee ſhould be impriſoned, til he might be lawfully deliuered. And of theſe watches, the Officers before named haue the charge within the limits (or places) of their authorities, as the Conſtable in his towne, the Borſholder in his Borow, & the high Conſtable within all his Hundred: and theſe officers ought to ſee theſe watches duely ſet and kept, and ought alſo to cauſe Hue and Cry to bee rayſed after ſuch as wil not obey the arreſt of ſuch watchmen.

Stat. Northamp. 2. E. 3. c. 3.

Againe, if any perſon whatſoeuer (except the Kings ſeruants and miniſters in his preſence, or in executing his precepts, or other offices, or ſuch as ſhal aſſiſt them: and except it be vpon Hue and Cry made to keep the peace, and that in places where acts againſt the peace do happen) ſhal be ſo bold, as to go, or ride armed, by night, or by day, in Faires, Markets, or any other places: then any Conſtables, or any other of the ſaide Officers, may take ſuch Armour from him, for the kings vſe, and may alſo commit him to the Gaole. And therefore, it ſhall be good in this behalfe

halfe, for these Officers to stay and arrest all such persons, as they shall find to carry Dags or Pistols, or to be apparelled with priuie coates, or dublets: as by the Proclamation (made in the xxi. peare of the raigne of Queene Elizabeth) they are specially commaunded. 21. El. Reg.

Furthermore, if any great assembly, or rumor of people be made in maner of Insurrection, then the Sherifs, Constables & these said other Ministers, hauing knowledge thereof, ought with the strength of the Countrie, and to set themselues against it, and ought also to take and imprison such offendors. 17. R. 2. c. 8

Lastly, if any man doe threaten to kill another, and hee which is so threatned do pray any of these Officers to arrest the other to finde suerties of the Peace: then may such an officer arrest him to find such suerty before a Iustice of the Peace, and may also carry him to prison, if he refuse to finde it: But if he yeeld to goe, it shalbe good to take the partie threatned, to the Iustice with him. Barre 202. 22. E. 4. 35. Brian.

To pacifie and punish the breach of the peace.

14 Thus much I haue spoken of those things which do bend towards the breach of the peace: but now I will come nearer to the breach it selfe, and withall to the pacifying and punishing of the same.

If

If therefore a Constable, or any other of the said Officers, shall see any men going about to breake the peace, as by using hoat words, by which an Affray is like to grow: then ought such Officers to commaund those persons to auoid vpon paine of imprisonment: and if they will not depart, but shall draw weapon, or giue any blow, then ought hee to doe his best to depart them, and to keepe them asunder: & he may (for that purpose) both vse his own weapon, and may also call others to assist him. In which doing, if any such Officer, or other person comming on his part, doe take hurt, he shall haue good remedy by action against him that did the hurt: but if any of them that made the Affray, be hurt by such officer, or by any of his companie, then such a hurt person hath no remedy at all for it.

7 H.7.10.
11.H.7.21.

And if he that maketh an Affray, do flie into a house, when such an officer cōmeth to arrest him: then may that officer breake open the doores to take him: and if he that made the Affray, do flie from thence also, yet may the Officer follow him, & in fresh suite take him, though it bee in another Shire or Countie.

8.E.4.5.

So, if two men be fighting together in a house (the doores being shut) yet may such an

an Officer breake open the doores to cause the peace to be kept, though none of the parties haue taken hurt. And in both these cases, such an Officer may carry them before a Iustice of the Peace to find Suerty for the peace, because they haue broke the peace already, and are mette to be bound that they shall not breake it againe.

But if any of the parties to an Affray, haue receiued any dangerous hurt, then ought such Officer to arrest him that did the hurt, and to carry him to the Gaole, there to remaine till he find suertie to appeare at the next Gaole deliuery: otherwise, he may with lesse labor carry him to a Iustice of peace, or to a Coronor, who ought to take order for such suertie, because the fact may fall out to bee Felonie, if so be that he which was hurt do happen to die within one yeere and a day next following such hurt vnto him. Fitz. 72. 38. E. 3. 6. & 23. lib. ass. 56.

And as these Officers ought to arrest those that doe make assault vpon any priuate persons, so also may they arrest any such as shal make assault (or Affray) vpon themselues whilst they bee in doing their offices: & may for that purpose both lawfully defend thẽselues, & also take the offendors, & commit them to the Gaole, or carry them to a Iustice of the Peace, for 5. H. 7. 6.

the

the finding of such suertie as is aforesaid.

Barr. 101. in Fitzh. But if one doe assault a man, in or nigh the high way, to robbe him, and be taken by the true man, or by any other, and bee brought to the Constable, or such other Officer of the place: then ought such Officer, not onely to take him to his warde, but also to carry him before a Justice of Peace to cause him to giue suertie for his Good abearing.

5.E.3.cap. 14. 17.E.4.5. So, if any man doe suspect another of Murder, or Felonie, and doe declare the same to any such Officer of the place, then such Officer may arrest the suspected person, and he shall doe well to carry him to a Iustice of the Peace together with him that doth suspect him, to that end þ they both may bee examined as appertaineth.

1.E.4.9. Yea, any of these said officers may search within the limits of his authority, for any persons suspected of Felonie: for it is a chief part of their office to represse felons.

5.H.7.4.5. And therfore any of these Officers may (of his owne authority) arrest one that is endited of Felonie: So, if the common voyce and fame be, that A.B. hath don a felonie, that is sufficient cause for anie of these Officers (that shall therefore suspect him) to arrest him for it.

And if any man shall flie vpon felonie, it

is the office of the Constable of the town, or of any of these other officers there, to seise his goods, and to keepe them safely: for he is to answere for the losse of impairing of them, and therefore it is meete that hee doe it by Inuentorie taken in the presence and by the testimonie of the honest neighbours. 3. E. 3. Itin. Nor-thumb.

And I like well of their opinion, which do hold, that if information be giuen to any such officer, that a man and a woman be in adulterie, or fornication together, then the officer may take companie with him, and that if he find them so, he may carie them to prison. 1. H. 7. 7.

But this is to be marked, that in the cases before, and such like, where such an Officer hath arrested, or hath in his ward anie offendour that ought to be carryed to the Gaole, there such an Officer is not bound foorthwith to carrie him, but may well for a reasonable time keepe him in the Stockes, vntill that conuenient prouision of strength may bee made to conuey him safely thither. And when hee shall bring such offendour to the Gaole, then ought the Gaoler to receiue the same freelie, without taking any thing of the Officer for it. 3. H. 4. 9. 22. E. 3. 35. 4. E. 3. c. 10. 14. H. cap. 21. H.

Scruing of Precepts. 15 Hitherto (as you see) I haue spoken of

of the *Conſtable*, and of theſe other *Offi-cers*, ſo farre only as they haue authoritie by their own Offices, without any commaundement from others: But for as much as a great part of their duty (concerning the Peace) reſteth in the making of due execution of the precepts of higher Officers, and ſpecially of the Iuſtices of the Peace, who be (as it were) immediatlie ſet ouer them, let vs alſo ſee after what manner theſe Conſtables, and other the ſaide inferiour miniſters of the Peace, ought to behaue themſelues in that behalfe.

Albeit then, that their ſaid Officers bee ſubiect to the commaundements of the Iuſtices of Gaole deliuerie, and of Oyer and Terminer, and of ſome Higher Iuſtices, yea, and to the Precepts of Coroners alſo, and of other Officers, in ſome certaine caſes, yet becauſe moſt commonly they are called vpon by the Iuſtices of Peace, they ought ſpecially to ſhewe themſelues obedient to their Precepts, who (as it may appeare by ſome old Preſidents) haue authoritie to remooue inſufficient Conſtables & Borſholders, and to ſubſtitute able perſons in their place. Neither ought theſe officers to diſpute whether their commandemẽts be grounded

Precepts.

14.H.8. cap.18. 11.H.7.22.

ded vpon sufficient authority, or no: as knowing that although a Iustice of the Peace (which is a Iudge of Recorde) should direct a Warrant beyond his authority to a Constable, or one other of the said officers, yet shal such officers be holden excused for executing the same, howsoeuer that Iustice of Peace himselfe be blamed for it.

If therefore a Warrant for the Peace, or good abearing, happen to bee directed to any of these said Officers, then ought he with all speede and secrecie to find out the partie: and then also may hee lay his handes vpon him, and shew him the matter, and require him in the Kinges name to goe with him, to put in suertie according to the Warrant. And this if the partie shall refuse to do, then ought such Officer forthwith to arrest him, and to conuey him to prison, without carrying him to any Iustice: in which doing, if the partie shall offer any resistance, or shall seeke to escape, then also may such Officer iustifie the beating, or hurting of him. 21.H.7.39.

But if the partie shall yeeld to go and giue Suertie, and yet will not goe to such Iustice as made out the Warrant, but to some other Iustice, then ought such Officer to giue him that libertie, so that it be not 21.H.7.20.

not farre out of the Limit; for els ſo great trauaile might follow vpon the Officer, as rather hee than the offendour might ſeeme to be puniſhed by it.

And here the Officer muſt take regard, and conſider whether the Warrant doe come directly from the meere authority of the Iuſtices of Peace, or els be grounded vpon a Writ of *Supplicauit* ſent down from higher authority (which difference ought to appeare plainly in all Warrants that be well and orderly made.) And if the Warrant be grounded vpon ſuch a Writ, then may ſuch Officer compell the partie to goe to the very ſame Iuſtice or Iuſtices of Peace that made out the Warrant, and otherwiſe he may carry him to priſon, as is ſaid before.

Neither is it requiſite, that ſuch an Officer ſhould daunce after the party (as many vſe to doe) vntill hee can finde out ſuerties: but he may lawfully keepe him, vntil that he can get ſuerties to come vnto him: the ignorance of which point is the cauſe, both that many an euill man eſcapeth, and many an honeſt Officer is puniſhed for it.

But here it happeneth many times, that the partie (hearing that ſuch a Warrant is graunted againſt him) offereth himſelf

with suerties, for that cause vnto some o-ther Iustice of Peace, or findeth such suer-tie in some of the courts at Westminster, and so hath a *Supersedeas* ready to shewe such Officer, as commeth to him with a Warrant as is aforesayd. Now if that be so, then is the Officer discharged thereby, and ought not any further to molest the partie. But yet it shall be good, that such Officer doe keepe the *Supersedeas* for his better discharge, and shew it to the Iustice from whom he receiued the commaundement of service, least otherwise he be cal-led to account for not seruing the warrant that was sent vnto him.

If a Warrant be directed to a Consta-ble, or such other Officer, to arrest one that is indited of Felonie, then may such Officer iustifie the killing of such a party, if it so be, that he cannot otherwise take him: or if so be that he resist, or flie, when he is taken. 22. Lib. Ass. 59. Coron. 161 288. 328. in Fitzh.

Finally, the Constable, or such other of the sayd Officers, hauing arrested any to be conueyed to the Gaole, must take good heede, that hee doe not willingly, or neg-ligently, suffer such party to escape from him. For, if the arrest were for Felonie, then by a willing escape, the Officer himselfe becommeth a Felon also. And of whatso-

whatſoeuer other kinde the offence bee, if the Officer doe, by his will, or negligence, ſuffer the partie to eſcape from him, hee ſhall be fined for it, according to the quantitie of his fault, by the diſcretion of thoſe that ſhall be Iudges of it. And leaſt any ſuch Officer ſhould flatter himſelfe, in thinking that hee may paſſe through with ſome eaſie Fine: I let him know, that the Iudges of his fault may ſet his fine, equall with the value of al his goodes, if in their diſcretions his default doe ſo require.

11.H.4.24. Stamf.35.

16 Thus haue I performed the firſt part of my promiſe, and haue ſhewed what is the equall and like duty of euerie of the ſaide Officers in matters concerning the Peace, both by their owne authoritie, and alſo in doing the commaundements of the *Iuſtices* of Peace: Now therefore I muſt goe forwarde to the ſecond part of my purpoſe, and am to declare their like ducties in other pointes of ſeruice, that doe not concerne the Peace: For, equall power is indifferently giuen to any of thoſe *Officers* by ſome *Statutes* of the Realme, whereof thoſe that follow be the chief, and principall.

The equall dutie of thoſe Officers, in matters beſides the Peace.

17 All Conſtables, and other the ſaid

Attendant for the execution of Statutes.

Officers, ought to be attendant, ayding, and assisting to the Iustices of Peace, for the execution of all and euery the Actes, (made in, or before the Parliament, holden in the 33. yere of the raigne of King Henrie the eight) concerning Retainors, giuen of Liueries, Maintenance, Embracerie, Bowstaues, Archerie, Vnlawfull games, Forestallers, Regrators, Vittaile, Vittailers, and Inholders, or any of them, vpon paine that the said Constables, and other the saide Officers shall make such Fines, as by two of the said Iustices of Peace shalbe assessed. 33.H.8. cap. 10. & 37.H.8. cap.7.

Physitions

18 All Constables, and other the sayd Officers within London, or within seuen miles therof, ought (vpon request made) to aid and assist the President of the Colledge of the Physitions in London, and other persons authorized for the due execution of the Statutes made concerning Physitions, Apothecaries, and Surgeons. 14.H.8. cap.4.5. 32 H.8 c.1, 1.Ma.par. 1.cap.9.

Forestalers.

19 If any person shall (without lawfull bargaine) puruiewe or take anie thing of anie the Kings liege people, to the vse of anie (other than the King and his house) and thereof notice bee giuen to the Constable, or such other Officer of the place, then such Officer ought (vnder the paine of twenty pounds) 23.H.8. cap.14.

to

to arreſt ſuch taker, and to carrie him to the next priſon.

28.H.6.ſtat 2.cap.2. No Purueyour of the King ought to take any horſe, or cart, but by the deliuery of the Maior, Bailiſe, Conſtable, or ſuch other officer of the place whence that taking ſhall be.

25.E.3.c.1. 36.E.3.ſtat. 1.cap.3. Corne ought to be taken for the Kings houſe, by ſtriked meaſure of eight buſhels to the quarter, according as is vſed throughout the Land: And the Takers of all thinges to bee taken for the Kings houſes, ſhall make their purueyance by the very value thereof, by the view of the Conſtable, or other ſuch Officers, and by appraiſement vnder oath of foure other good men of the towne, where the taking ſhall be: and ſuch taking ſhall bee made without driuing the Praiſours by compulſion, menacing, or other villanie, to ſet any other price than their oath will, and as commonly runneth in the next Markets.

1.& 3.P.& Mar.cap.9. Takers, Vndertakers, their Deputies, or ſeruants, ſhall not take any Beeſes, Weathers, Lambes, Calues, or any kind of Salt-fiſh, or any kind of graine, or any Butter in any veſſels, or Cheeſe, Bacon, Conies, Pigs, Geeſe, Capons, or Hens, but by Commiſſion and a Blanke thereto

for

for that shire annexed: in which Blanck, the said seuerall things so to be taken, and the prices of them shall be written, and to which Blanke the high Constable, Petie Constable or Headborough of the place where any such taking shall bee, ought to subscribe his name or signe manuell. Any such Taker ought then also to make a briefe or Docket in writing subscribed with his name, containing euery of the said things so taken in euery place: and ought then also (vnder the paine of an hundred markes) to deliuer the same to the sayde High Constable, Petie Constable, or Headborough, who also ought to deliuer it ouer to the Iustices of Peace at their next generall Sessions within that countie.

20 In the takinges for the Kinges house, Tailes (or Indentures) ought to be made and sealed, betweene the taker and the owner (in the presence of the Constable, or such other Officer, & the Praisers of the place) by which Tailes (or Indentures) satisfaction ought to bee made to the owner for his things so taken. 10.E.3.c.1

21 If any Taker will make purueyance of any thing (not exceeding the value of fortie shillings) and make not readie payment in hand therfore, it is lawfull 20.H.6. cap.8.

for

for the owner to retaine the thing so taken, and to resist such purueyance: and the Constable, Tythingmen, or Chief pledge of the place (being thereto required by the owner, ought to ayde and assist such owner in making such resistance, vnder paine to yeelde vnto him the value of the thing taken, and his double dammages.

18.H.6. cap.19. 22 All Constables, and other the Officers aboue said, of the parish or place, where anie of the Kinges Souldiers beyond the seas, being mustered of record, shall happen to arriue, may arrest & stay such souldiers, till it be inquired, whether they bee lawfully departed from their Captaines, or no. Souldiers.

11.H.8.c.2. 11.H.8.c.14 11.H.8.c.3 23 All Constables and other the sayd Officers must bee attendant vpon Coroners, for the abiuring and conueying of such persons, as shall take the Churchyard as a Sanctuary, for safegard of their liues, by occasion of any Felonie by them done. Coroners.

All these things heretofore rehearsed, whether they concerne the preseruation of the *Peace*, or any other matter besides the Peace, may and ought to be done & executed indifferently (as I thinke) by any of the said *officers* within the precinct of his authoritie: that is to say, as well by

by the *high Constable* of the whole *Hundred* or *Franchise*, within his *Hundred* or *Franchise*, as by the *Constable*, *petie Constable*, *Tythingman*, *Borsholder*, *Borowhead*, *Headborow*, *Thirdborow*, or *Chiefe pledge*, within his Towne, Parish, Tything, Borow, or Hamlet: and that so, as none of them hath more power of office therein than the other; although some of them haue larger limit of place than the rest.

High Constable of a Hundred.

But now I am come to such thinges, as do seuerally belong to some of these officers, so as the other may not meddle therewith, (which is the third part of my promise) and therefore I will take that in hand also: and because the *Constable* of the Hundred or franchise, is the greatest of these Officers, both in respect of his larger precinct of place, and also of the higher trust that is committed vnto him, I will begin at him: who, as he is not by and by set alone, but is for some matters no further authorized than some other of the said *Officers*, so I will first begin at those, and then come to the rest that belong onely to himselfe.

Prisoners.

24 The money appointed to be leuyed by the Churchwardens of euery Parish each Sunday, for the relief of prisoners in the Gaole, ought (vnder the paine of v.li.) 14 Eliz. c. 5.

to

to be paide by them once euery quarter of a yeare, to the high Conſtables, or head Officers of euery hundred, Riding, Wapentake, Towne, or Pariſh: and the ſaid high Conſtables, or head Officers ought (vnder the paine of v.li.) to pay ouer the ſame money ſo to them paid, at the next quarter Seſſions of the peace, to the perſon appointed by the Iuſtices of Peace to receiue the ſame.

It ſeemeth to me, that in this caſe next aboue, the wordes high *Conſtables*, high *Tithingmen*, and head *Officers*, doe exclude *Petie Conſtables*, *Borſholders*, and ſuch like to meddle therein: becauſe none are called *High* or *Head*, but in compariſon of *Low* and *Baſe*. Now therfore I will ſpeake of matters concerning the High Conſtable of the Hundred alone. High Conſtable alone.

5. Eliz. c. 4. 25 High Conſtable of Hundreds in all ſuch Shires, where petie Seſſions for Seruants and Labourers (otherwiſe called Statute Seſſions) were vſed to bee kept, before the firſt daye of the Parliament holden in the fifth yeere of the raigne of Q. Elizabeth, may yet ſtill holde their ſaide Seſſions, ſo that nothing bee done in them, repugnant to the Statute of Labourers and Seruants Petty Seſſions.

uants made in the same Parliament.

Watches and high-waies.

26 The Constables of hundreds, and of franchises, ought to make presentment to the Justices of Peace, and to al other Justices thereto assigned, of the defaults of Watches, & of the defaults of the Kings high-waies, not enlarged so, as no ditches, vnderwood, or bushes bee within two hundred foote on euery side of the same: and also of such as lodge straungers in vplandish townes, for whom they will not answere. 14.E.1.st.2. Winton.

Clothiers.

27 Clothmakers ought to pay the wages of their Carders, and other worke-folkes, in lawfull mony, and not in pins, girdles, or such other things: and to deliuer their wools by faithfull deliuery, and due weight, vnto them to bee wrought: vpon pain of forfeiting the treble of their wages not so paid, and sixe pence for euerie deliuery of such excessiue weight. And the said Workfolkes ought to doe their occupations duely, vpon paine of double dammages to the partie grieued. And euerie Constable of the Hundred may heare and termine the complaints aforesaid, by examination of the parties, and may commit to the gaole such as refuse to pay the said Workfolkes. 4.E.4.ca.1.

High-waies.

28 Estreats indented ought to be made by

1.& 3.P. & Mar.c.8. & 1.Eliz.c.13

by the Clarks of the peace, and by Stewards of Leetes, of all forfeitures riſing in the Seſſions of the peace, or in Leets, vpon the Statutes of highwaies: of which Eſtreates, one part ought to bee deliuered peerely within ſix weekes after Michaelmas, to the Bailife or high Conſtable of the Hundred, Lath, or Wapentake, wherein the default was committed, and the other part to the Conſtable and Churchwardens of that pariſh in which that default was made, to the intent, that ſuch Bailife or chiefe Conſtable, may thereby leuie by diſtreſſe the ſame forfeitures, or ꝑ double thereof (if no diſtreſſe can be found, or if ſuch forfaitures be not paid within xx. daies after a lawfull demaund of the ſame by the ſaid officer) and to the intent alſo that the ſaid Conſtable and Churchwardens of the pariſh may thereby call the ſaid Bailife, or High Conſtable to account before two Iuſtices of the Peace (the one being of the Quorum) between the firſt day of March and the laſt of Aprill peerely for the ſaid forfeitures, which ought by ꝑ ſaid Churchwardens to bee beſtowed on the Highwaie in their pariſh. And vpon ſuch account, euery ſuch Bailife, or high Conſtable ſhall haue for his paines viii.d. of euery pound leuied

leuied and payed by him, and may also retaine xii.d. for the fee of the Clarke of the Peace or Steward of the Leete,, for euery such Estreate by any of them deliuered, as is aforesaid.

Marshalsey and Kings Bench.

29 The high Constable (in whose limit the Parish is scituate) must pay at euery Quarter Session to one of the Treasurers of the Shire, such money as the Churchwardens there haue payed to him, for the prisoners in the Marshalsey and Kinges Bench, vpon paine of xx.s. to be lost for euery default, 43. Eliz. cap, 3. 43. Eliz. c. 3

Souldiers.

30 And the like must be done (vnder the paine of forty shillings) with that money, which the Churchwardens bring to him for disabled Souldiers.

Popish Recusant.

31 The Minister (or Curate) of the Parish, and the Constable, Headborow, or Tythingman of the towne, to which any Popish Recusant shall be sent by order of this Statute, shall take notice thereof by him, and shall enter the same into a Booke to bee keept in euery Parish for that purpose: and shal certifie the same to the next Quarter Sessions of the Peace in that Countie. 35. Eliz. c. 2

Constable of a towne.

Next after the Constable of the hundred, Wapentake, or franchise, followeth the Constable of a towne, who is somewhere

where called a *High Constable*, for that he hath there a *Petie Constable* vnder him, and is sometimes also termed a Heade *officer*, because in some corporate townes *Constables* is part of the name of their *Incorporation*. And now also because there be sundry thinges that are by the Lawes indifferently referred to him, or to the *Tythingman*, *Borsholder*, or such other inferiour Officer of the place: therfore I wil first set downe those, and then afterward speake of the rest that are committed to him onely, and to none of them.

5.Ed.4.3. Acc. iur. case.B.76. Alehouse. 32 If a common Inholder, or Ale-house-keeper, will not lodge such as trauaile, the Ruler, Constable, or other Officer of the towne may compel him thereto.

33.Eliz.c.4. Seruants. 33 No person retained in husbandrie, or in any the Artes appointed by the Statute of Labourers (made in the fift yeere of Queene Elizabeth) may depart, after the time of such retainour expired, out of the Towne or Parish, where hee last serued, to serue in an other, vnlesse he haue a Testimoniall vnder the Seale of the Constable or other such Officer, and of two other honest Housholders of the Towne or Parish where hee last serued, according to this forme: *Memorandum*,

that A. B. late seruant of C. D. of E. in the Countie of K. husbandman, or tayler, &c. is licenced to depart from his said Master, and is at his libertie to serue elsewhere, according to the Statute in that case made and prouided. In witnesse whereof, &c, dated the day, moneth, yeare, and place, of the making thereof. Which Testimoniall, the Parson, Vicar, or Curate of the Parish where such Master, Mistresse, or Dame doth dwell, ought to register, taking onely ii. d. therfore. And if such person bee accepted into any other seruice, without shewing such Testimoniall to the Constable, or such other officer, Curate, or Churchwarden of the place where hee shal bee accepted, hee shall be imprisoned till hee procure such a Testimonial, which if hee doe not within twelue dayes next after the first day of his imprisonment, hee shall be whipped as a Vagabond.

Labourers. 34 In the time of Hay, or Corneharuest, the Constable, or such other Officer, of any townеship, vpon request made, and for auoiding the losse of any corne, graine or hay, may cause all such Artificers, and persons (as be meet to labour) by his discretion to serue by the day, for the mowing, reaping, shearing, getting, or inning of 5. Eliz. c. 4.

of corne, graine, or hay, according to the skill and qualitie of the person: and if any such person shall refuse so to doe, then ought such Officer (vnder the paine of foure shillinges) to imprison such refuser in the Stockes, by the space of two dayes and one night.

35. The Constable, Borsholder, or other such Officer, and the Churchwardens of euerie Parish, ought yearely vpon the Tuesday or Wednesday in Easter weeke to gal together a number of the Parishioners, and to choose two honest men of their parish, to be surueiors of the workes for amendment of the highwaies within their parish leading to any market towne: and ought then also to appoint sixe dayes for the amendement of those highwayes before Midsommer then next following: and ought openly in the Church, the next Sunday after Easter, to giue knowledge of the same sixe daies. Highwaies.

The also ought to haue one parte of the Estreates intended, and may call the Bailife or high Constable to account, concerning the forfaitures, for default of amending Highwaies, as hath already appeared before. And they also, or anie of them may leuie by Distresse, and by sale of such Distresse, all summes of money

2. & 3. Phil. and Mar. cap 8. and 5. Eliz. c. 13

forfaited for any cause within the statute of Highwaies made in the eighteene yere of Queene Elizabeth, (if so bee that the Surueiours of Highwaies, shall not before 18.Eli.c.10
haue leuyed and imployed the same, within one yeare next after the offence committed) and shall yeeld account thereof before two Justices of the Peace, as is aforeshewed.

Highwaies. 36 The forfaites against the Statute for amendemẽt of the annoied Highwaies in the wealdes of Kent, Surrey, and Sussex, 35.Eli.c.19
ought after conuiction therof to be leuied by distresse, by the Constables, Headborowes, Tythingmen, or other such Officers there, vpon warrant frõ the Clarke of the Peace in open Sessions, or from two of the Justices that were at such Sessions, the one of thẽ being of the *Quorum*.

Hue and Crie. 37 After such time as the two Justices of Peace, haue ratably assessed euerie 27.Eli.c.13
towne, & parish towards the paiment of the damages that any person hath recouered against thẽ of the hundred wherin hee was robbed, vpon the statute of Hue and Crie: then may the Constable or Headborough, of euery such town & parish, ratably within his limite, taxe (according to their abilities) euery dweller in euerie such towne or parish, toward the payment

of

of ſuch aſſeſſement made by the Iuſtices: and may alſo diſtraine euery perſon by his goods and cattels that ſhall refuſe to pay the ſame, and may ſell the diſtreſſe, & retaine ſo much thereof as the Taxation ſhal be, & deliuer the ouerplus to the perſon ſo diſtrained. And ſhal (within x. daies next after hee hath leuied the ſaid rates) deliuer the ſame to the ſaid Iuſtices, or one of thē to the vſe of the partie robbed.

43. Eliz. c. 2. 38 In default of agreement of the Pariſhioners betweene themſelues, the Conſtables and Churchwardens of each Pariſh (or the more part of them) may rate and allot within their Pariſh their aſſeſſe for the Stocke of the Shire wherewith that Pariſh was charged at the Quarter Seſſions: and they alſo may leuie the ſame vpon any Pariſhioner, by Diſtreſſe, and Sale of his goods, tendring the ouerplus vnto him, 43. Eliz. cap. 2. & 3. Stocke of the Shire.

37. Eli. c. 14 39 The Conſtable of euery Borough or Market, or other Towne, may view, ſearch and ſuruey al ſuch Malt as ſhall be made or put to ſale there: And if he ſhall find any Barlie Malt, made at any time (the Monethes of Iune, Iuly and Auguſt, onely except) but that the ſame ſhall haue the ſpace of three weekes (at the leaſt) in the fatte, floure, ſteeping, and ſuch ſuf- Making of Malt.

ficient drying thereof, and in these thies Monethes, the space of xvii. dayes at the least: and if he find any person to put to sale, anie good Malt, mingled with Malt not sufficiently made, or with malt made of Mowburned or spired barley, or to put to sale any malt, not sufficiently well dressed, rubbed, and fanned, where of halfe a pecke of dust or more may be fanned out of one Quarter thereof: then may such Constable (with the advise of one Iustice of the Peace in that shire) cause the same Malt to be sold, to such persons at such reasonable prices (under the common price of the Market) as to his discretion shall seeme expedient.

Of the Rogues.

40 Every of these persons following, and being above the age of seuen yeares, as by the law declared to be a Rogue, Vagabond or sturdy Begger, that is to say: 39. Eliz. c. 4

Every person that calleth himselfe a Scholler, and goeth about begging: every Seafaring-man (not having suffered Shipwrake, nor having lawfull Testimoniall from a Iustice of Peace, of, or neare the place where he landed) that goeth about begging, or exceedeth the limits of such Testimoniall: every idle person that goeth about begging, or that vseth anie Subtile-craft or vnlawfull game, or play,

or

or that faigneth knowledge in Phyſiognomie, Palmiſtry, or other like craftie Science, or pretendeth to tell Deſtinies, Fortunes, or ſuch like Phantaſticall imaginations. Euery wandring perſon that vttereth himſelfe to be a Proctour, Procurer, Patent gatherer, or Collector for Gaole Priſon or Hoſpitall. Euery Fenſor, Bearward, Minſtrell, or running player of Enterlude (other than ſuch player of Enterlude as belongeth to a Baron or other Honorable perſō of greater degree, and bee authoriſed vnder his hand & ſeale of Armes.) See 1. Iacob. cap. 7. that from thenceforth no authoritie to be giuen or made by a Baron of this Realme, or any other honorable perſonage of greater degree vnto any other perſon or perſons, ſhall bee auailable to free & diſcharge the ſaid perſons or any of thē from the paīs and puniſhments in the ſaid ſtatute mentioned, but that they ſhal be taken within the offence & puniſhment of ꝑ ſaid ſtatute. Euery Iuglar, Tinker, Pedler, or Petichapman, other than glaſſemen of good behauiour, and licenſed vnder the handes and Seales of three Iuſtices of the Peace of that Shire (whereof one to bee of the *Quorum*) that wandreth abroad. Euerie Wandring perſon, or common Labourer

1. Ia. cap. 7.

not having otherwise then by labour to maintaine himselfe, and being able of bodie, that refuseth to worke for lawful wages: Euery person, deliuered out of gaole that beggeth for fees, or trauaileth begging. Euery one that pretending losse by Fier, or otherwise, wandreth begging. Euery one (not being a Felon) that pretendeth to be an Egiption, or wandreth in the forme (or habite) of counterfait Egiptians. Euerie impotent, and diseased person (being lawfully licenced by two Iustices of the Peace to goe to Bath, or Buxton) that forbeareth not to begge, or returneth not according to such Licence: and euerie poore person (appointed to aske relieke in his Parish by the Ouerseers) that beggeth in any other sort then is appointed.

The Constable, Headborow, and Tythingman of the Hundred, Parish or Tything, shall vpon the taking of euerie such Rogue (the Tythingman or Headborow being assisted with the aduice of the Minister, and one other of the Parish appoint the same Rogue to bee stripped naked from the middle vpward, and be openly whipped vntill his or her body bee bloodie, and shall forthwith send such Rogue from parish to parrish (by the Officers 39. Eliz. c. 4

ficers of the saue) the next straight way to the Parish where such Rogue was borne, if that may bee knowne by his or her confession or otherwise: and if that cannot be knowne, then to the Parish where he or she last dwelt before that punishment by the space of one whole yeere: and neither of them being knowne, then to the Parish through which he or she last passed without punishment.

After which whipping, such Rogue shall haue a Testimoniall, subscribed and sealed with the hands and Seales of the said Constable, Headborow, Tythingman, and Minister, or of any two of them, the substance of which shall be Registred by that Minister in a booke to bee prouided for that Parish, vnder the paine of fiue shillings for euery default thereof.

And the forme of that Testimoniall may be thus.

A.B. a sturdie *Rogue*, of tall stature, red haired and bearded, about the age of 30. yeres, and hauing a wart neare vnder his right eye, borne (as he confesseth) at *East Tilberie* in Essex was taken begging at Shorne in this county of Kent the 10. of March, 1598. and was then there law- *Kent.*

fully

fully whipped therefore, and hee is appointed to goe to *East Tilbery* aforesayd the direct way by *Grauesend*, ouer the riuer of *Thames*: for which hee is allowed one whole day, and no more, at his perill. *Subscribed* and *sealed* the day and yeare aforesaid.

By vs { *G.D. Minister.* / *E.F. Borsholder.* / *G.H. Parishioner.* } of *Sharne* aforesaid.

And if such Rogue doe not accomplish the order of such Testimoniall, then is he or she to be Whipped at euery place for euery such default, till he or she repaire to the place so limited for him: And this Testimonial must be carried with him from Officer to Officer, as is aforesaid: wherein it is needfull to set downe some speciall marke of the body of the Rogue, to the end that neither one Officer deceiue another, nor the Rogue deceiue them all.

But if such Rogue so taken appeare to be dangerous to the inferior sort of people there, or will not be reformed from Roguish life, by the meanes aforesaid, then any two Iustices of peace of that limit (the one being of the Quorum) may commit such Rogue to the house of correction or gaole

1. Iacob. cap. 7. euery person shall apprehend, or cause to be apprehended, such Rogues, Vagabonds, & Sturdie beggers, as hee shall see or know to resort to his house to begge, gather, or receiue almes, and the same carrie or cause to be carried to the next Constable or Tythingman, vpon paine to forfeit ten shillings for euerie default. 1.Ia.cap.7.

Euery Constable, Headborow & Tythingman, that shall be negligent, or shall not do his best endeuour, to take, punish, & conuey ouer the Rogues aforesaid, shall forfeit 5.s. for euerie default, and 1 Iacob. cap. 7. the Constable is to forfeit 20.s. And euery other person that distributeth or letteth the execution of this act of Rogues, shall forfeit 10.li. for euerie default, and be bound to the good behauiour. 1.Ia.cap.7.

And euery such Constable, Headborow and Tythingman, is in like sort to take and punish, and to conuey from one to an other euery Rogue & begger that shall be brought & set on land here, from Ireland, Scotland, or the Ile of Man, till hee come to the next Port or Parish in or neare where hee was first landed, vpon the like forfeiture of 5.s. for euery default.

Now, forasmuch as the execution of this law, as also of that for the poore, vp-

on

on good reason required at the hands of theſe *Conſtables*, *Borſholders*, and ſuch like inferiour Officers, becauſe as they of the common ſort be moſt annoyed thereby, ſo are they in euery corner to haue a readie hand & whip to remedie the euill: I thinke good for their better direction herein, to ſet downe thoſe reſolutions & aduices (which as it is commonly ſayd) were giuen by the Queenes Iuſtices at *Weſtminſter*, ſoone after the making of the ſaid Statutes, and thus they follow.

A Rogue affirmeth that he was borne in ſuch a town, in ſuch a countie: they ought he to be ſent thither, if it may not otherwiſe appeare that he was borne elſwhere: and if hee were not borne there in truth, then he is to be ſaid an incorrigible Rogue, & is to be ſent thence to the houſe of correction in the countie to which he is ſent: and if there be none there, then to the gaole vntill the next Seſſions, there to be dealt with according to the ſtatute.

2 The ſame courſe is to bee obſerued, if it appeare not where he was borne, and ſo if he vntruely affirme that hee was laſt dwelling in ſuch a towne, in ſuch a countie, by the ſpace of a yere, and was not in truth.

3 If the husband, or wife haue a houſe

and

and the huſband or wife rogue about, they ought bee ſent to the towne where that houſe is, and ſo of an Inmate.

4 The wife and children vnder ſeauen yeares of age, being vagrant, muſt goe and bee placed with the huſband: if the huſband be dead, thē with the wife where ſhe was borne, or dwelt, and the vagrant children (aboue ſeuen yeeres of age) muſt be ſent to the place of their birth. And if the vagrant Parents with their children (vnder ſeauen yeeres) bee placed at the place of birth of the Parents, or at the place of laſt dwelling (as the caſe ſhal fal out) if afterward the Parents, or eyther of them die, or runne away, yet the children (once ſetled) muſt remaine there ſtil, and may not be ſent to their place of birth, though after they grow aboue the age of ſeauen yeares.

5 The wife being a vagrant Rogue, ought to be ſent to the huſband, though he be but a ſeruant in another Towne.

6 The Rogue whoſe place of birth (or dwelling) cannot be knowne, hath wife and children, vnder ſeauen yeeres of age, they muſt goe with the huſband to ỹ place where they were laſt wilfully ſuffered to paſſe without puniſhment: where the children muſt be relieued by the worke of

their

their Parents, though the Parents be committed to the house of correction.

7 If any (not being Rogues) shal trauaile with their children through a town, and the Father or Mother die, or runne away, the town is not bound to keep them where they die, nor to send them away, but onely in charitie, except they become wandring beggers.

8 If the Parents be able to worke, and may haue worke, they are to finde their children, by their labour, and not the Parish: But if they be ouerburthened with children, it shalbe a very good way, to procure some of the to be placed apprentices according to the Statute.

9 No man is to be put out of ꝑ Towne where hee dwelleth, nor to be sent to their place of birth (or last habitation) but a vagrant Rogue, nor to be found by ꝑ towne, except the partie be impotent, but ought to set themselues to labor, if they be able, and can get worke; if they cannot, the Ouerseers must set them to labour: And so of them that haue or shal haue houses, when their estates be expired: And seruants, whose times of seruice are ended, though they cannot get houses; for they must prouide themselues houses a new, if they be not impotent.

10 Such

10 Such persons as be of any Parish, and haue able bodies to worke, and be no wanderers abroad out of the Parish, though they refuse to worke at such wages as is taxed (or commonlie giuen) in those parts, are notwithstanding not to be sent to their place of birth (or last dwelling) by the space of a yeare, but to the house of correction: vpon consideration had of both the statutes of the poore and Rogues. But if they haue any lawfull meanes to liue by, though they be of able bodies, and refuse to worke, yet are they not to be sent to the house of correction.

11 Such as will remoue or put any out of their Parish, that be not to be put out, this is against the statute, concerning the releefe of the poore, and liueable: and if any haue been so sent, they may bee sent backe againe.

12 If any bee sent to a towne whereto he ought to be sent, and is refused (being a sturdie, or an impotent Rogue) the persons refusing shall forfait. x.li. and he that is so to bee sent, is to bee offered to the Churchwardens and Ouerseers.

13 To send the Rogues by a generall Passport, without conueying them from parish to parish, is a let to the conueying of Rogues according to the statute, & so a forfeit

forfeit of v.li, vpon them. And to goe with such a Passport, is but still to continue a Rogue, to be punished by whipping.

14 If the Officer will not receiue a Rogue to conuey him to the place where he was borne (or dwelt) this is a forfeiture of v.li. in the officer, that shall not receiue the partie to conuey him or her ouer.

15 None may be suffered to take relieke at any mans doore, though within the same parish, vnlesse it be by the order of ỹ ouerseers, according to the statute, neither may any bee suffered to begge by the Highwaies, though in their own parish.

16 By this word Parents: is vnderstood a father, or a grandfather, mother or grandmother, being persons able.

17 Within the word children, is included any child, or grandchild, being able.

18 Parsons, or Vicars, &c. be bound (as inhabitant) to the relieke of ỹ poore, aswel as others that inhabite within ỹ Parish.

19 Euery one that hath tythes impropriate, Coale mines, or lands in manuell occupation, &c. is chargeable. And so for such as haue saleable woods, proportioning the same to an Annuell benefit.

20 If there be but one Churchwarden in the Parish, hee sufficeth, with the other foure Ouerseers.

All

All theſe things laſt aforeſaid, do pertaine as well to the charge of a *Tythingman, Borſholder, Headborow, chiefe pledge*, or ſuch other inferior Officer, as they do to the *Conſtable* of ſuch a towne, or Pariſh that hath any of thoſe other officers vnderneath him. But ſome other points of charge there be, that belong to ſuch a *Conſtable* onely, and not to any of them: as for example:

8.H 6.ca.5 11.H.7.c.4. 21 Euery Citie, Borough, & Market towne, that haue a Conſtable, ought alſo to haue common meaſures ſealed, and alſo common weights ſealed, at which the inhabitants may freely weigh. Weights and meaſures.

14.H.6.c.5 22 If any Woolles, or other marchandize, be ſhipped in the Staple, in any ſuſpected place adioyning to the coaſt of the water, then the Indenturs ought thereof to bee made betweene the owner, and the Maior or Conſtable of ỳ place: or otherwiſe, ſuch marchandiſe ſhall be forfaited. Marchandize.

38.H.8.c.9 43 The Maior, Shirifes, Bailifes, Conſtables, and other head officers within euery City, Borough, and towne within this Realme, where any ſuch Officers be, ought vnder ỳ paine of xl.s. for euery default, once euery moneth at the leaſt, to make ſearch (as well within Liberties, as without) in all places where anie vn- Vnlawfull games.

lawfull games shalbe suspected to be kept, and may arrest and imprison as well the keepers of such places, as the haunters to the same, till they bee found no more to keepe and haunt such places. And if any such head Officers, shall find or knowe, that any Artificer, craftesman, husbandman, apprentice, labourer, seruant at husbandrie, Iourniman, or seruant of artificer, or that any mariner, fisherman, waterman, or seruing man, doth play at the tables, dice, cards, tennis, bowles, clash, coiting, logating, or any other vnlawfull game, out of Christmasse time, or out of their Masters house or presence in the Christmas time, vnles it be by the licence of such Master as hath C.li. by the peere, or aboue, and then also, that playing bee within the precinct of such masters house garden, or orchard: then such head Officer may commit such offendour to ward, till he will be bound by Obligation to the Kings vse (in such summe as to the discretion of such Officer shall bee thought reasonable) that hee shall not from henceforth vse such vnlawfull games.

Bridges. 44 Those foure Iustices of peace, that be authorized by the statute to make taxation of money for the amendment of anie decayed Bridge in the Highway, ought 22. H. 8. c. 5

to

to make that Taration, by the aſſent of the Conſtables, or two of the moſt honeſt Inhabitants, of euerie Towne or Pariſh.

Aſſiſes. 45 In all Cities, Boroughes, and Townes, wherein no Wardens of Cowpers be, the Maiors, Shiriffes, Baylifes, Conſtables, or other head Officers there, haue power to ſearch, view, and gawge barrelles, kelderkins, firkins, and other veſſels, to be made there, and to take ſuch aduantage thereby, and in ſuch manner, as by the Wardens of Cowpers within the Citie of London may be taken on euery behalfe. 23.H.8 c 4.

46 In all theſe caſes alſo, laſt before rehearſed, it ſeemeth that Borſholders, Tythingmen, Headborowes, and other ſuch (being in townes, or pariſhes, vnderneath Conſtables that bee there) cannot meddle becauſe ſuch Conſtables be (in cõpariſon of them) called head Officers.

47 The Conſtable or other inferior officer, muſt whip ſuch hedgebreakers, robbers of orchardes and gardens, cutters of corne and wood &c. as be for that purpoſe committed vnto them by the Iuſtice of Peace vpon paine to be committed to the common Gaole, without bayle or mainprize till it be done. 43.Eliz.cap.7.

The conclusion.

48 Now therefore vpon all the whole discourse before written, it may well appeare, that Borsholders, Tythingmen, Headborowes, Borrowheads, Thirdborowes, & chiefe pledges, whether they be there the onely Officers for the Peace, or be vnderneath Constables, may within their Borowes, Tythings, or Hamlets, doe many things that the others may do: & that there are many other points which those other officers may doe, and wherewith these Borsholders, and the rest cannot meddle at all. And therefore to auoid idle repetition of matters already spoken, I say shortly, that if an vnder Borsholder, Tythingman, Headborow, Borowhead, Thirdborow, or chiefe pledge, will see what belongeth to him to do, he must looke before vpon al such cases, where his power is declared to bee equall (for those points) with the power, eyther of a High Constable of the Hundred, or a Constable of a towne or Parish: for in all such thinges he hath to deale as well as they. But where any thing before is shewed to pertaine only to the high Constable of a Hundred, or onely to the Constable, or chiefe or head officer of a towne, or parish, there such a Borsholder, Tythingman, or any of y^e^ rest, hath nothing to doe with it.

49 By

1.I.cap.31. 49 By the statute 1. Iacob. cap. 31. for ordering of persons infected with the plague. Euery Constable, Headborow, or other chiefe Officer, of the county of, or in any Towne, Village, or Hamlet, out of any Citie, Borough, Towne corporat, Priuiledged place, or Market town, may commaund or appoint any person Infected, or being, or dwelling in any house infected in any such towne, village, or hamlet to keepe his or their house, for auoyding of further infection: And may appoint searchers, watchmen, examiners, keepers and buriers for the persons and places respectiuely infected, and may minister to them oathes for the performance of their offices of searchers, examiners, watchmen, keepers and buriers, and may giue them other directions, as vnto them the said Constables and Headboroughs and other chiefe Officers for the present necessitie shall seeme good in their discretions. The power of headofficers in vplandish Townes.

And if any person or persons infected, or being or dwelling in any house infected so commaunded or appointed, as is afore said, shall notwithstanding wilfully, and contemptuously disobey such directions and appointment, offering & attempting to breake and goe abroad, and to resist, or The punishments of the disobedient persons.

going abroade & resisting such Keepers or watchmen, as shall be appointed as is aforesaid, to see them kept in, it shall bee lawfull for such watchmen, with violence to enforce them to keep their houses: And if any hurt come by such inforcements to such disobedient persons; That then the said keepers, watchmen, & any other their assistants shall not bee impeached therefore. And if any infected persons, as is aforesaid, so commanded to keepe house, shall contrarie to such commaundement wilfully and contemptuously go abroad, hauing any infectious sore vpō him vncured, & shall conuerse in companie; That then such person & persons shal be taken, deemed, & adiudged as a felon, and to suffer paines of death as in case of felony: but if such person shal not haue any such sore found about him; Then for his said offence to bee punished as a vagabond in all respects, should or ought to be by the statute made 39. Eliz. cap. 4. for the punishment of Rogues & Vagabonds.

And further to be bound to his or her good behauiour for one whole yere. The punishment of Rogues & Vagabonds by 39. Eli. c. 4. Vagabonds 13. is, that by the appointmēt of the constable, headborough or tythingman, the tythingman or headborough,

borough, being aſſiſted therein with the aduice of the Miniſter & one other of that pariſh, ſhould be ſtripped naked from the middle vpward, and ſhal be openly whipped vntill his or her bodie bee bloody. If any will refuſe to be keepers, watchmen, ſerchers, examiners, aſſiſtãts, or buriers, or to obey the ſaid directions made, as is aforeſaid by diſcretion, they are to be puniſhed as other diſobeyers of commaundements by ſtatute, where no other penaltie is ſet downe: that is to ſay, by an indictment or preſentment at the Seſſions, & being conuicted to be impriſoned, and to pay a fine to the king.

And thus hauing opened ſo shortlie and plainely as I could, the duties of all theſe ſaid miniſters of the peace, I doe ſhut vp this worke: deſiring thoſe that ſhall take any profit of this labour, to yeeld thankes to God the moſt liberall giuer.

FOr the more eaſe of euery of theſe Officers in finding out that which particularly belongeth vnto each of thē, I haue deuided the former Treatiſe into fortie & eight ſeuerall Articles (or parts) as it may appeare at the beginning of each Article by the ſeuerall figure thereof, by which euery Officer may be directed ſeuerally to ſo much as appertaineth to himſelfe, if hee will marke this ſhort Table following. For,

The high Conſtable *of the* Hundred, rape, *Franchiſe or* Wapentake, *hath the execution of all thoſe matters that doe lie with theſe Articles, that is to ſay,*

Articles concerning

3, 4 His name and beginning.
11, 12, 13, 14, 15, 16 The peace and ſeuing of warrants.
17 Executiō of ſtatutes.
18 Phyſitions.
19, 20, 21 Purueiours.
22 Souldiers.
23 Coroners.
24 Priſoners.
25 Petite Seſſions.
26 Watches & highwaies.
27 Clothiers.
28 Highwaies.
29 Mony for priſoners.
30 Mony for Souldiours.

And the Conſtable of a Towne & Pariſh,

riſh, hath his part in all things contained within any of theſe Articles following, that is to ſay,

Articles concerning

4 His name and beginning.
11 } The peace & ſeruing of precepts.
12
13
14
15
16
17 Execution of Statutes.
18 Phyſitions.
19 } Purueyours.
20
21
22 Souldiers.
23 Coroners.
24 Priſoners in the Bench. &c.
31 Popiſh Recuſants.
32 Alehouſe.
33 } Seruants and Labourers.
34
35 Highwaies.
36 Highwaies in the wealde.
37 Hue and Crie.
38 Stocke of the ſhire.
39 Making of Malt.
40 Rogues & beggers.
41 Weights & meaſures.
42 Marchandize.
43 Vnlawfull games.
44 Bridges.
45 Veſſels.
47 Hedgebreakers.
49 Perſons infected.

And euery Borſholder, Tythingman, Borowhead, Headborow, Thirdborow, and chiefe pledge, may for his Borough or Tything learne his Office by theſe Article, that is to ſay,

Articles concerning

5 } His name.
6
7 } His firſt Office.
8 } His latter Office.
9
10

11 Keeping

11 12 13 14 Keeping of the Peace.
15 16 Precepts to be obſerued.
17 Execution of Statutes.
18 Phyſitions.
19 20 21 Purueyers.
22 Souldiers.
23 Coroners.
24 Priſoners.
28 29 Highwaies.
31 Alehouſe.
32 33 34 Seruants & Labourers.
35 Highwaies.
36 Highwaies in the Weald.
37 Hue and Crie.
38 Stocke of the ſhire
39 Making of Malt.
40 Rogues & beggers
41 Hedgebreakers.

The dutie of Church-Miniſters.

THE latter Lawes hauing implopment of manie to make, hath bozowed ſome vſe in a few eaſie matters of ſpirituall Miniſters, chiefly foz the helpe and readineſſe of their penne, which in many Pariſhes few, oz none) beſides they) can ſerue withall.

1 The Miniſter (oz Curate) of the pariſh ought to Regiſter the Teſtimoniall that is made to a ſeruant to appeare at the end of his Terme, and hee is to take two pence therefoze, and not aboue.

2 He alſo is to aſſiſt the Borſholder oz Tythingman in appointing a Rogue to be

be whipped, and must Register (in a booke for that purpose) the Testimoniall of such Rogue ought to haue after whipping vpon paine to loose v.s. for euery default.

5.Eli.c.5. 3 Hee may giue Licence to a sick person (during the sickenesse onely,) to eate flesh vpon dayes prohibited, and must (for iiii.d.) Register the same in the Church booke, if the sicknesse continue aboue viii. dayes after the Licence. Licence to eate flesh.

35.Eli.c.1. 4 The Minister or Curate of the parish may require any person within 3 moneths after his Conuiction vpon the statute 35. Eliz. cap. 1. to make publike confession & submission in the seruice time of a sunday or festiual day. And he that shall (after notice to him giuen by the Minister or Curate or Churchwardens) maintaine, or retain, in his house, or otherwise, any person obstinately refusing to come to Church, shall lose x.li. for euery such person, for euery moneth so maintained, or retained. Come to Church.

35.Eli.c.5. 5 The Minister or Curate of the parish, & the Cōstable, Hedborow, or Tythingman, of the towne, to which any Popish recusant is sent, shall (vpon notice thereof by him) enter the same into a book to be kept in euery parish for that purpose: and shall certifie the same to the next Quarter Session of the Peace in that County. Popish recusant.

The

WHileſt I paſſed thorow ſome of the ſtatutes before, concerning the offices of Conſtable and Borſholder, I found them mingled with diuers dueties pertaining to the Churchwardens of Pariſhes: the Surueiours of the highwaies: the Diſtributors of the prouiſion for the deſtruction of vermine, and Ouerſeers of the poore: whereby I was alſo mooued to adde ſomewhat of theſe Offices, the rather becauſe I was perſwaded, that with that little more of labour, I might doe a great deale more of good, ſeeing that thereby the plaine countryman ſhould (after a ſort) be furniſhed with all manner of vnderſtanding (in the temporall Law) needfull for the exerciſe of any of thoſe offices that may lightly fall vpon him.

Firſt therefore, I will ſpeake of the Churchwardens office, but that ſo farre forth onely, as the common lawes, and ſtatute lawes of the Realme doe lead me, knowing that ſuch other parts of that office as doe reſt vpon the lawes Eccleſiaſticall, be from time to time ſufficientlie both taught and called vpon, by thoſe that haue the execution of the ſame.

The Churchwardens of Pariſhes bee taken

Office of Churchwardens, by the common law.

taken (in fauour of the Church) to be for some purpoles a manner of Corporation at the common Law: that is to say, Persons inabled by ỳ name, to take moueable goods, or cattels, and to sue, and bee sued at the Law, concerning such goods, for the vse & profit of their Parish. And therefore, a man may well in his life time giue, or by his last will bequeath, mony, or other moueable things, to the Churchwardens, or to the Parishioners of a Parish, eyther for the reparation of the Church, or towards the buying of books, Communion Cuppes, linnen cloathes, or other decent ornaments or furniture for the Church. Which manner of gift is so much fauoured in the Law, that it is not altogether needefull in such a gift, for a man to vse expresse words, or writing. For if a man doe buy a Bell, and do hang it vp in the steeple, or do make a Pew, and doe set it vp in the Church and do neither make any word or writing thereof, yet is this Bell or Pew, by this dedicated or giuen to the Church. 12.H.7. vltimo. Lib.Intrae. fol.576. 11.H.4.12. 8.H.7.12.

They shall haue action

2 Now, although Churchwardens shal haue none action at the common Law to recouer a Legacie, or such other thinge which they neuer had: yet neuertheless, if any such goodes, or ornamentes of the

Church

Church be once in their poſſeſſion & cuſtodie, then ſhall they maintaine an Appeale of robbery againſt him that ſtealeth them, or an Action of treſpas againſt him that ſhall wrongfully take them away, though it be the Vicar or Parſon himſelfe, & the dammages that they ſhall recouer therby ſhal be to the vſe and benefit of the pariſh, and not to their owne vſe. But if thoſe Churchwardens (from whom the goods were ſo taken) ſhall happen to die before any Action by thē brought for the goods, yet ſhall the next Churchwardens haue Action for the ſame. 27.H.6.30. & 34. 11.H.4.12. 8.E.4.6.

They may not waſte the Churchgoods.

3 And forasmuch as theſe Churchwardens be Officers, put in truſt for the behooſe of their Pariſh, therefore alſo are they not enabled with any other power, than for the good and profit of the pariſh: So that churchwardens can neither giue away, nor releaſe at their owne pleaſure, the goods of the Church. For if the Pariſhioners ſhall finde that they doe vnprofitably waſt, or miſpend the goods of ỹ pariſh, then may they remoue ſuch Churchwardens, by making their choiſe of new: which new officers may (by Action of account) cal to account the former Churchwardens, and ſhal thereby compell them, both to giue reckoning of their doings during Fl.na.br. 91.K. 19.H.6.66. al.contr.

They may be removed & brought to account. 8.E.4.6.

during their office, and also to make satisfactiō to the vse of the parish, for ꝑ harme that it hath receiued by their fault. And
36.H.8.5. although the vsage and custome of the parish bee, that the Churchwardens there shal continue in their Office, by the space of one whole yeare, or two yeares or more (as indeede some Parishes haue such customes) yet vpō such, or the like misdemenor foūd in them, may the parishioners at all times proceede to an election of new Churchwardens, & may remoue the olde, for that otherwise they haue no meane by our Law to call them to their Account; but by such as shall bee put in their place. Neuertheless, those former Churchwardens shall (vpon the making of such their Account) haue allowance of all needefull summes of money, or other things, which they haue expended, either vpon the reparation of the body of the Church, or for the ꝓuision of meete and lawfull ornaments or other furniture of the Church or parish: because they are compellable (by the Ecclesiasticall Lawes) so to lay foorth the goods of the Parish committed to their custodie and charge. They shal haue allowance also (vpon such their Account) of the money paid by them for relief of prisoners in the common gaole, by vertue of

the

the ſtatute 14. Eliz. cap. 5. and of what-ſoeuer other thing that they are by Lawe chargeable to doe.

4 This (in effect) is the power & charge that the cõmon law doth giue to Church-wardens: for as touching ante eſtate in lands, or the profits of any lãds, Church-wardens haue not to meddle at all: In ſo much, that if the walles, windowes, or doores of the Church, bee broken, or the trees in the Churchyard be cut downe, or the graſſe therof be eaten vp, thẽ the Parſon, or Vicar (& not the Churchwardens) 11.H.4.13. 12.H.7.77 13.H.7.9. ſhal haue the actiõ for it: becauſe Church-wardens are not by law allowed to bee a Corporation for any other thing, than for moueable goods only. Now therefore I will ſhew how their office is increaſed by a few Statute lawes, that do concerne the ſame.

They haue not to doe with lands.

Churchwardens office, by the ſtatute.

5 All perſons inhabiting within the Kinges Maieſties Dominion, ſhall diligently & faithfully (hauing no lawfull or reaſonable excuſe to be abſent) indeuour thẽſelues to reſort to their parith Church or chappel accuſtomed, or (vpõ reaſonable let therof) to ſome vſual place where common praier and ſuch ſeruice of God (as is contained in the book of cõmon praier) ſhal be vſed in ſuch time of let, vpon euery

Repaire to the Church

Sunday

Sunday and other dayes ordained & vsed to be kept as holy dayes: and then & there to abide orderly and soberly, during the time of the Common prayer, preachings, or other seruice of God, there to be vsed & ministred, vpon paine of punishment by the Censures of the church, and also vpon paine that euery person so offending shall forfeit for euery such offence xii. d. to bee leuied by the Churchwardens of the Parish where such offence shall bee done, to the vse of the poore of the same Parish, of the goodes, landes, and tenements of such offendour, by way of distresse.

2. & 3. P. & M. c. 8. & 5. Eliz. cap. 13

6 The Constables & Churchwardens of euerie Parish shall yearely vpon the tuesday or wednesday in Easter week, cal together a number of the Parishioners, & shall then elect and choose two honest persons of the parish to be Surueyors, and orderers of the workes for one yeare, for amendemẽt of the Highwaies in their Parish, leading to any Market towne: which persons shal take vpon them the execution of their said offices, vpõ pain, euery of them making default, to forfait xx. s. And the said Constables and Churchwardens, shal then also name and appoint sir dayes for the amendement of the said highwaies before Midsommer then next following:

Highwaies.

and ſhal openly in the church the next ſunday after Eaſter giue knowledge of the ſame fiue dayes. And they alſo ought to haue one part of the Eſtreats inuented, and ſhall cal the Conſtables to account &c. as it doth appeare before in the 30. Article of the Conſtables office.

7 See after alſo in the office of the Surueyours of the Highwaies, for leuying thoſe forfaitures, by the Churchwardens if the Surueiors ſhall not leuy & imploy the ſame within one yeare after the offence committed.

Refuſe to come to the Church

8 And ſee in the 4. article of the duetie of the Miniſters, that the Churchwardens may giue notice to ſuch as maintaine, or retaine in houſe, or otherwiſe, any perſon that obſtinately refuſeth to come to the Church.

Eate fleſh.

9 If any perſon within this realme, ſhal (without lawful licence) eat any fleſh vpon any daies now vſually obſerued as fiſhdaies, ſhall forfeit iii. li. for euery ſuch offence, els ſuffer 3. monthes impriſonment. And euery perſon within whoſe houſe any ſuch offence ſhalbe done, & being priuie or knowing thereof, & not effectually diſcloſing the ſame to ſome publike Officer, hauing authoritie to puniſh the ſame, ſhall for euery offence forfeit 40. s. The third 5. Eliz. c. 5.

part

part of al which forfaitures shal be to the vse of the parish wherein the offence shall be, & to be leuied by the Churchwardens after any conuiction in that behalfe.

5. Eliz. ca. 5 The licence for eating of flesh, to be giuen to any person for notorious sickneſſe, by the Bishop of the Dioceſſe, or by the Parson, Vicar, or Curate of the Parish, ought to be regiſtred (if that sickness shal continue aboue eight dayes after such licence grãted) in the Church booke, with the knowledge of one of the Churchwardens there: & the party licenced shal giue 4. d. to the Curate for the entry thereof. Licence to eate flesh.

43. Eliz. c. 2 10 The Churchwardens & foure, three or two others of euery Parish, appointed by the two Iuſtices of peace, to be Ouerſeers of þ poore there, (or the more part of them) may by the conſent of two Iuſtices, frõ time to time take order, for ſetting to worke all persons married or vnmarried that haue no meanes, or ordinary trade to liue by, and the children of such Parents as shall be thought vnable to maintaine them: and may take aſwel Inhabitants, or occupiers of landes in the Parish to pay weekely, or otherwiſe, such competent ſums of mony (as they shall thinke meet) for a ſtocke of ware & ſtuffe for such poore to worke, and for the neceſſarie reliefe of Poore.

the impotent poore there, and for the putting out of such children to be Apprentices: and may execute al other things, concerning the premises, as to them shall seeme conuenient. Sec. 1. Ia. cap. 25. they to whome the ouerseers of the poore shal according to the statute of 43. Eliz. c. 2. bind any children Apprentices, may take, receiue, and keepe them as Apprentices in any former Statute to the contrary notwithstanding.

Churchwardens and Ouerseers.

And they shall meete together once in each moneth at ꝑ least in the Church vpon some Sunday in the afternoone, to consider of some good course, and meete orders to be set downe in the premisses, & within 4. dayes after their yeare ended, & other ouerseers nominated, shal yeeld vp to the two Iustices of peace, a perfect accompt of their Money, Stocke, and other things concerning that office, & shall pay the monyes that shalbe in their handes, to the new Churchwardens & Ouerseers, vpon pain to loose xx. s. for euery such monethly absence (without cause, to be allowed by the two Iustices) & for euery negligence in the execution of the said office, or orders made by assent of the two Iustices as is aforesaid. And the said Churchwardens & Ouerseers (or any of them) by warrant

rant from two such Iustices, may leaue such taxations by distresse and sale, of the offenders goods, as also the mony behind vpon any such account, tendring the ouerplus to the partie: and they (with ỳ leaue of the Lord of a Common, or Waste, in writing) may erect their conuenient habitations, and place inmates therein, at the generall charges of the Parish &c.

When the stocke of the shire, is assessed by the Iustices of Peace in their quarter sessions vpon euery Parish: the same shal be yeerely rated within the Parish by agreement of al the Parishioners, or in default thereof by the Churchwardens and Constables of the parish, or the more part of them, who may leuie the same by distresse and sale of the goods of such as refuse to pay their portion thereof, and shall tender the ouerplus thereof to the owner: & the Churchwardens must ratably pay ouer to the high Cõstable, in whose limit the Parish is situate ten daies before the end of euery quarter Sessions, such money as for that Parish they ought to pay for the releefe of the prisoners in the Marshalsey & Kings bench, vpon forfaiture of x.s. for euery default of such payment.

8. E. ca. 15. & 14. Eliz. cap. 11.

11 In euery parish, ỳ Churchwardens with 6. other parishoners (to be required

Destructiõ of vermine.

by the Churchwardens) shal yerely in one of the holy daies in Easter weeke, and at euery other time when it shalbe needfull, tare & assesse euery person hauing the possession of any lands or tithes within ỳ parish, to pay such summes of money as they shal think meet, according to the quantity of such their lãds or tithes. And if any such person do denie to pay the same, or do not pay the same (within 14. dayes next after request thereof made by the Churchwardens, or one of them) then such person shal forfeit for euery time v.s. which together with the summe assessed) shalbe leuyed by distresse, of the goods and cattels of such person, to be taken by the Churchwardẽs, or one of them, the same distresse to be ordered & vsed, as distresses taken for amerciaments in any Leets. And aswel the said summes as penalties, (if any of thẽ be so leuied, shal be yearely by the Churchwardens, or one of thẽ for the time being, deliuered by Bils inuented, to two honest and substantiall persons of the Parish which shalbe elected & appointed by ỳ Churchwardens, and shalbe named, The Distributers of the prouision for the destruction of noisome foule & vermine. And if the said Churchwardens, 6. persons, or Distributers, or any of them, shal refuse, or

make default in the execution of any part of this acte, contrary to the forme thereof, then such offender shal forfeit for euery default, v.li, the one moitie to the King, the other to him or them (vsing tillage verely within the same shire) that will sue therefore in any Court of Record.

Souldiers money.

43. Eliz. c. 3 12 The money assessed at the Quarter Session by the Iustices of peace vpon euery parish for the relieue of disabled Souldiers, may bee rated (in default of agreement of the Parishioners amongst themselues) by the Churchwardens & Constables of the Parish, or the more part of thē, and they may leuie such Rates by distresse and sale of the goodes of such as refuse to pay their rates, rendring to the owner the ouerplus cōming of such sale: & ỹ churchwardens must collect and pay ouer to the high constable in whose diuision such parish is, euery such summe ten dates before euery quarter Session of the peace, vnder the paine of xx.s. for euery default therof.

13. 1. Ia. cap. 27. If any shal haue or keepe anie Greyhound for courling of Deere or Hare, or letting dog or dogges, or net or nets to take Pheasant or Partriges contrary to the Statute, the Churchwardens of the Parish where the offence shalbe cōmitted, or the partie apprehēded,

are in cases therein mentioned, to receiue to the vse of the poore of the parish, 40.s.

For the rest of the office of the churchwardens, concerning this matter, see afterward in the duty of these Distributors. See also in Constables articles 25. for the gaole money, to bee leuied by Churchwardens.

The Office of the Superuisors, Surueyors, or orders of the workes for amending of the Highwayes.

VPon the fiue dayes appoynted for the working in the Highwaies, in such sort as is before declared in ꝑ 6. Article of the Churchwardens office, euery person for euery plow land in tillage or pasture that hee or they shall occupie in the same parish, & euery other person keeping there a draught or plough, shal find & send, at euery day & place to be appoynted for ꝑ amending of the waies in the parish as is aforesaid, one waine or cart, furnished after the custome of the countrey, with oxen, horses or other cattell, and all other necessaries, meet to carrie things conuenient for that purpose, & allot two able men with ꝑ same, vpon paine of euery draught, making default, 12.s. And euery other housholder, & also euery cotager & labourer of that Parish

2. & 3. Phil. & M. c. 8. & 5. Eli. c. 13. & 39. Eliz. cap. 19.

riſh, able to labour, & being no hired ſeruant by ꝑ peere, ſhal by themſelues or one ſufficient laborer for euery of them, vpon euery of the ſaid 6. daies worke & trauaile in the amendment of the ſaid Highwaies, vpō pain of euery perſon making default to loſe for euery day xii. d. And if the carriages of the parith or any of thē ſhal not be thought needfull by the Superuiſors to be occupied vpon any of the ſaid dayes, that then euery ſuch perſon that ſhould haue ſent any ſuch carriage, ſhall ſend to the ſaid worke for euery carriage ſo ſpared, two able men there to labour for that day, vpon paine to loſe for euery man not ſo ſent to the ſayd worke xii. d. And euery perſon and carriage aboueſaid, ſhall haue and bring with them ſuch ſhouels, ſpades, pickes, mattockes, and other tooles and inſtruments, as they do make their owne ditches and fences withal, and ſuch as be neceſſary for their ſaid worke. And all the ſaid perſons and carriages ſhall doe and keepe their works, as they ſhalbe appointed by the ſaid Superuiſors, or one of them viii. houres of euery of the ſaid dayes, vnleſſe they ſhalbe otherwiſe licenced by the ſaid Superuiſors, or one of them.

From henceforth it ſhall and may be lawfull to al and ſinguler Superuiſor and Superui-

Superuisors and orderers of the workes for the time being, for the amendment of the said highwaies, thereunto elected and appointed, according to the statute made in the second and third yere of King Philip & Queene Marie, for the better reparation and amendement of the highwaies within their seuerall parishes and limits where they shall be so made Superuisors, (if it shall bee so to them thought necessarie) to take and carrie away of the rubbish, or smallest broken stones of anie quarry or quarries lying or being within the parish where they shal be Superuisors without licence, controlemẽt or impeachment of the owners or owner, so much as by their discretions shalbe deemed & iudged necessarie to the amendement of the said highwaies. And that for default of any such quarrie or quarries, it shall and may be lawfull for euery such Superuisor or Superuisors, for the ble aforesaid, in the seuerall ground of any person or persons, being within the parish, and limits where they shall be Superuisors, and nigh adioyning to the way or wayes wherein such reparations shall be thought necessarie to be made, and wherein grauel, sand, or sinder is likely to be found, to digge or cause to be digged, for grauell, sand or sinder,

and

and likewise to gather stones lying vpon any lands or grounds within the parish, & meete to be vsed to such seruice & purpose, therefore to take & carry away so much as by discretion of the said Superuisors shall be thought necessary to bee imployed in the amendement of ỹ said highwaies. Prouided alwaies, that it shall not be lawful to any such Superuisor or Superuisors, by vertue of this acte, to cause any rubbish to be digged out of any quarrie or quarries, but only shal extend to such rubbish as shall be found there readie digged by the owner or owners of the said quarrie or quarries, or otherwise by his or their licence & cõmandement, nor shal not extend to giue authority to any Superuisor or Superuisors to dig or cause to bee digged, any grauel, sand, or sinder in the house, garden, orchard, or medow, or any person or persons, nor that it shalbe lawful by this act to any such Superuisor Superuisors to cause any more pits to be digged for grauel in any seuerall or inclosed ground thē one only, & that the same pit or hole so digged for grauel as is aforesaid, shal not by any way bee in bredth or length aboue x. yards at ỹ most. And ỹ euery such Superuisor as shal cause any such pit to be made, & digged for grauell, sand, or sinder, as is

aforesaid,

aforesaid, shal within one moneth next after any such digging or pit made, cause the same to bee filled, and stopped vp with earth, at the cost and charges of the parishioners, vpon paine to forfeit to the owner and owners of the soyle, wherein any such pit shalbe made and digged, for euery default, fiue markes.

From henceforth, euery such Superuisor and Superuisors, as is aforesaid, shal by force of this act, within the parish or limits where he or they shalbe Superuisors, haue full power & authoritie to turne any such water course, or syzing of water, being in any of the said Highwaies, into any ditch or ditches, of the seuerall ground or soyle of any person or persons whatsoeuer, next adioyning to the said wayes, in such manner and forme, as by the discretions of the said Superuisors shalbe thought meetest and most conuenient.

Such Superuisor or Superuisors for the time being, within one month next after default or offence, made, done, or committed by any person or persons, contrary to the prouision, purport, & true meaning of the statute made (concerning Highwaies) in the second & third yere of King Philip & Queene Marie, shall present euery such default or offence to the next Iustice

tice of peace for the time being, vpō pain to forfeit for euery such default & offence, in such sort not by them prefented, xl.s.

Euery person or persons (except such as shall dwell in the Citie of London) that shalbe assessed to the paimēt of any Subsidie to his Maiestie to x.li. in goods, or xl.s. in landes, or aboue, during all such time as he shal stand so assessed & not altered, & being none of the parties chargeable for the amendment of Highwaies by any former law, but as a Cottager, shall find two able men yeerly to labour in the highwaies, at such dates & times, as by the seuerall statutes therof are limited & appointed. And euery other that hereafter shall occupie a plough land in tillage and pasture, lying & being in seuerall parishes, shall be chargeable to the making of the waies within the parish where he dwelleth as far forth, & in such maner & forme, as any persō hauing a plough land, in any one parish, is or ought to bee chargeable, by reason of the said former Statutes, or either of them. And euery person or persons, occupying & keeping in his or their handes or possessions, seuerall or diuers plough landes, as aforesaid in seuerall or diuers townes, shal bee charged to find in each towne or parish (where the plough-

lands

lands being in his occupying doe lie) one Cart, Waine, Tumbzell, dunge Pot, oz Court, Sleads, Carres, oz Dzags, furnished foz the amendmẽt & repairing of the Highwaies, within the seueral Parishes where the said plough lands do lie, in such maner & fozme, as if he oz they were a parishioner dwelling within the Parishes, where ꝑ same seuerall plow lands do lie.

Euery person oz persons, that shal not repaire, ditch, oz scower, any haies, fenceh, ditches, oz hedges, adioyning to any highway, oz common fairing way, oz shal not cut downe oz keep low all trees & bushes, growing in, oz next adioyning to any the said waies, accozding to the true intent & meaning of the Acte made in the fift yere of the raigne of Queene Elizabeth, foz euery offence committed therein contrarie to the true intent thereof, shall forfait & loose foz euery default x. s. And all and euery person & persons, that shall occupy any lands adioyning to the said ground, so adioyning to any such highway, oz cõmon fairing way, where any ditching, oz scouring should oz ought to be, as afozesaide, shall from time to time, as neede shal require, ditch & scower in his oz their groũd so adioyning, whereby the water cõueied from the said highway, oz cõmon fairing

way,

way, ouer the ground next adioyning, may haue passage ouer the said ground, so next adioyning to that ground, vpon paine of forfaiture for euery time so offending, for euery Rod not so ditched & scoured, xii. d

No person or persons hauing anie ground by lease or otherwise, adioyning to any highway, or common fairingway, leading to any Market towne, shall cast or scoure any ditch, and throw, or lay the soyle thereof into the highway, and suffer it to lie there by the space of six Monthes, to the annoyance of the sayd highway, or common fairing way, vpon paine of forfaiture for euery load of soyle, so cast into the highway, or common fairingway, in ditching or scouring, xii. d. And where any heretofore haue bin so cast into the high way, or common fairing way, that there is a banke betweene the said way & the ditch, it shall be lawfull for the Surueiors and workemen, by the lawes & statutes of this Realme, appointed for the amendement of the said waies, to make sluces, or other deuises by their discretions, to conuey water out of the said way into the ditch: any law, right, interest, custome, or vsage, to the contrarie notwithstanding.

Euerie penaltie, summe or summes of money forfaite for any cause within the

statute:

Statute, shal be leuied in euery parish by the Surueyors of the wayes within that parish for the time being, by distresse and sale of distresse, in maner and forme, as fines, or amerciaments in Leets haue bin vsed, & the money so leuied, to be imployed vpon the Highway, or common fayring way where the offence was committed. And if the Surueyors shall not or will not leuy & employ the same within one yeere after the offence so committed, that then the said summe or summes, forfaiture or forfaitures, shall bee leuied in forme aforesaid, by the Constables or Churchwardens of the towne or parish where the worke ought to be done in the highway (as is aforesayd) & that he or they so leuying any of the said penalties or forfaitures, shall make & yeeld such account as is appointed in the before recited statutes, or either of them.

In the wealde of Kent, Sussex, & Surrey, the Surueyors within the Parishes where the highwaies shalbe most annoyed, shall (in default of appointment by the Iustices of peace) assigne & apoint in what places of the highwaies there, the Sinder, grauell, stone or chalke, (to be caried by the occupier of Iron workes) shall be layed & bestowed: vnder the pain of xl.s. of e-

uery

uery such Surueior for euery such default, and they shall make demand of the forfeitures of money to bee paide in default of such cariages: & shall present euery such default of cariage, or paiment, at the next quarter sessions of that county, vpon like paine of xl.s. for euery default by them.

The Office of the Distributors of the prouision for the destruction of noysome foule and Vermine.

8. Eliz. c. 15 & 14 Eliz. cap. 11. & 39. Eli. c. 18

THese Distributors being so chosen, & hauing money, (as is before shewed in the viii. Article of the Churchwardens office) shall giue and pay of the same money so to them deliuered to euerie person that shal bring to the any heades of old Crowes, Choughes, Pies, or Rookes, taken within the seuerall parishes, for the heads of euery 3. of them a penp: and for the heads of euery fiue young Crowes, Choughes, Pyes, or Rookes, taken, as is afore said a penp, & for euery fiue egges of any of them vnbroken a penp: and likewise for euery 12. Stares heades a penie. All which said heads & egges, the said Distributors in some conuenient place shall keepe, and

shall euery moneth at the least bring forth the same before the said Church-wardens, and tarots, or three of them, and then & there to them shall make a true account in writing, what money they haue laid forth & paid for such heads & eggres, and for the heads of such other rauenous birds & vermine, as are hereafter in this act mentioned. That is to say: for euerie head of Hertõ, Haukes, Furlekite, Mold kite, Buffard, Stag, Carmerãt, or Ring taile, ii. d. & for euery two eggres of them a peny: for euery Iron or Dispaires heads iiii. d. for the head of euery Woodwall, Pie, Iay, Rauen or Kite, a peny: for the head of euery bird, which is called ỳ kings fischer a peny: for the head of euery Bullfinch or other birde, that deuoureth the blouth of fruit, one peny: for the heads of euery Fore or Grap, twelue d. and for the head of euery Fitchewe, Polecat, Wesel, Stote, Faire, Badger, or Wildecat, a peny: for the heads of euery Otter, or Hedghog, two pence: for the heads of euery iii. Rats, or twelue Mice, one peny: for the heads of euery Moldwarpe, or Want, an halfe pence: for the heads of euerie which birds and vermine last mentioned, the last Distributers shal likewise pay and giue to the bringer of them, for euery head killed

and

and taken within their seueral parish, as before is limited, shal keepe the same to be shewed forth bȳ their account in maner & forme as is aforesaid. All which said heads and egges shall be foorthwith after such accoũt made in the presẽce of the said Churchwardens, and Tayors, or of three of thẽ, burned, consumed, or cut in sunder.

And if vpon any account to bee made in the ende and determination of the offices of any such Distributers, it shall appeare that any summe of money is remayning in the hands of the said Distributers, or any of them, then the same shall be by Bill indented, as is aforesaid, deliuered ouer to such persons, as be or shall be elected to the same Office, for the yeere next following by them to be distributed as is aforesaid. This shall not in anie wise extende, to giue any libertie or authoritie to any person or persons, to vse or exercise any meanes or engine, for the destruction of Crows, or rookes, rhoughs, or other the vermine aforesaide, in anie place or places, to the disturbance, let or destruction of ỹ building or breeding of anie kind of Haukes, Herons, Egrittes, Paupets, Swannes, or Shouelers: or to the hurt and destruction of anie Doues, Doucheules, Deere, or warrē of conies,

nor extend to giue or appoint any summe or summes of money to be giuen, payed, or distributed, to any person or persons, for the head or heads of any Buzard, Ringtaile, Herne, Polcat, Fitchew, or Stote, taken in any Park, Warren, or ground, employed to the maintenance of any game of Conies, or to any Stares taken in Douehouses, nor to the killing or bringing the head of any Kite, or Rauen, killed in any Citie, or towne corporate, or within two miles of the same.

The effect of the Statutes made in the Session of Parliament lastly holden, which are most necessarie for the said Officers to know, as touching their offices, and the ordering of the Infected with the Plague.

WHereas in the statute 39. Eli. cap. 4. in the declaration, who shall bee deemed as Rogues, there is an exception for players of enterludes, and Minstrels belonging to any Baron of this Realme, or any other Honorable personage of greater degree, to bee authorized to play vnder the hand and seale of Armes of such Barons or personages by the statute 1. Iac. cap. 7. It is enacted 1. Ia. cap. 7.

enacted that no authoritie to be giuen or made by any Baron of this realme, or any other honorable personage of greater degree, vnto any person or persons shall be auailable, to free and discharge the said persons or any of them from the paines & punishments in the said Statute mentioned, but that they shall bee taken within the offence and punishment of the same.

And whereas in the Statute 39 Eliz. there was a proviso for Glassemen, It is enacted that all such person & persons as shal wander by and downe the Countrey to sell Glasses, shal be taken and punished as Rogues, vagabonds & sturdy beggers.

And that such Rogues as be adiudged incorrigible or dangerous, shall by the iudgement of the Iustices of Peace, or the more part of them present, in their open Sessions of the Peace, be brãded in their left shoulder with an hot burning Iron of the breadth of an English shilling, with a great Roman R. vpon the Iron, and the brãding vpon ỳ shoulder to be so throughly burned and set on vpon the skin & flesh, that the letter R. be seene, & remaine for a perpetuall marke vpon such Rogue during his or her life, and thereupon be sent by the same Iustices to the place of his dwelling if he haue any, if not, then to the

place where he last dwelt by the space of a yeere, if that can be knowne by his confession or otherwise: And if that cannot bee knowne, thē to the place of his birth, there to be placed in labour, as a true Subiect ought to doe: And after such punishment of any such Rogue as aforesaid, If anie Rogue so punished shall offend againe, in begging or wandring contrary to the said Statute, or this present act: That then in euery such case, the party so offending shal be iudged a felon, & shall suffer as in cases of felonie without benefit of Cleargy, the same felonie to bee tryed in the Countie where any such offendor shall be taken.

Cap. 9. And that euery person or persons shall apprehend or cause to be apprehended, such Rogues, Vagabonds, & sturdy Beggers, as he or they shall see or know to resort to their houses to begge, gather, or receiue any almes, and him, her, or them, shal carrie or cause to be carryed to the next Constable or Tythingman, vpon paine to forfeit for euery default x.s. to be leuied and imployed in manner & forme, and vpon such like proofe & conuiction, as penalties & forfeitures are to be leuied & imployed by the said statute of the nine and thirtie yeere of the said late Queene. And in default of any such leuie, then to be leuyed & imployed

imployed by the Lord of the Leete, or his Officer, where ſuch offence ſhall be committed, in ſuch manner as the perſons authorized by ꝑ ſaid ſtatute, might or ſhould haue leuied or imployed the ſame.

And that if ſuch Conſtable or Tythingman do not cauſe the ſaid Rogues, Vagabonds, and ſturdy Beggers to bee puniſhed, according to the forme ſet downe in the ſaid Act made in the 39. yere of the raigne of the ſaid late Queene Elizabeth, and to be conueied according to the purport of the ſaid Acte: That then the ſame Conſtable or Tythingman ſhall forfeite & loſe ꝑ ſumme of xx. s. for euery default, to be leuyed and imployed in manner and forme, as in the ſaid ſtatute is ſet forth and declared.

1. Ia. cap. 9. If any Inkeeper, Victualler, or Alehouſe keeper, within this realme of England or the dominion of Wales, doe permit or ſuffer any perſon or perſons inhabiting and dwelling in any City, Towne corporate, Market towne, Village or Hamlet, within this realme of England, or dominion of Wales, where any ſuch Inne, Alehouſe, or Tipling houſe is or ſhalbe, to remaine and continue drinking or tipling in the ſaid Inne, Victualling houſe, Tipling houſe or Alehouſe, other

then such as shall be invited by any Trauellier, and shall accompany him only during his necessarie abode there, and other then labouring and handycraftesmen in Cities, and Townes corporate, & Market townes vpon the vsual working daies for one houre at dinner time, to take their diet in an Alehouse; and other then labourers and workemen, which for the following of their worke by the day or by the great in any City, Towne corporate, Market towne or village, shal for the time of their said continuing in worke there, sojourne, lodge or victual in any Inne, Alehouse or other victualling house, other then for vrgent & necessarie occasions to be allowed by two Justices of peace: That the euery such Inkeeper, Victualler or Alehouse-keeper, shall for euery such offence, forfeit and lose the summe of x.s. of currant money of England to the vse of the poore of the parish where such offence shalbe committed; The same offence being viewed & seene by any Maior, Bailife, or Justice of Peace, within their seuerall limits, or proued by the oath of two witnesses, to be taken before any Maior, Bailife, or any other head Officer, or any one or more Justice or Justices of ỹ Peace, who by vertue of this Act, shalbe authorized to minister

ſter ꝑ ſaid oath to any perſon or perſons, that can or will iuſtifie ꝑ ſame, being with-in the limittes of their ſaid Commiſſion.

Cap 9. And if any Inkeeper, Alehouſekeeper, or victualler, ſhall at any time vtter or ſel leſſe thē one ful ale quart of ꝑ beſt Beare or Ale for a pennie, and of the ſmall two quarts for one pennie, that thē euery ſuch Inkeeper, Alehouſekeeper, or Victualler, ſhal forfeit for euery ſuch offence, being duly proued in māner aboue limited, the ſum of xx.s. of lawfull mony of England to the vſe aboueſaid; All and euerie the ſaid penalties to bee leuied by the Conſtables or Churchwardens of the pariſh or pariſhes, where the offence or ofences ſhalbe cōmitted, by way of diſtres to be taken and detcyned for the ſaid forfeitures, & for default of ſatisfaction with-in ſixe daies next enſuing, the ſame then to be preſently appriſed and ſold, and the ſurpluſage or remainder ouer & aboue, to be deliuered to the party of whom the diſtreſſe was taken; And for want of ſufficient diſtreſſe, the partie or parties offending, to bee by the Maior, Bailife, other head Officer or Juſtice or Juſtices aforeſaid, cōmitted to the cōmon Gaole, there to remaine vntill the ſaid penaltie or penalties be truely paid.

And

Cap. 29. And if the Constables or Churchwardens, doe neglect their duties in leauyings, or do not leuie the said seuerall penalties or in default of distresse or distresses from time to time, doe neglect to certifie the same default of distresse, by the space of twentie dayes then next ensuing, to the Maior, Baylife, or other head Officer, or Iustice of Peace within whose iurisdiction the offence is committed: then euery person and persons so offending shal forfeit for euerie such default, the summe of fortie shillings of currant money of England, to the vse of the poore of the Parish, where such offence shall be committed, to be leuied by way of distresse, of the offendors goods, by warrāt from any one or more Iustice or Iustices of the Peace, Maior, Baylife, or other head Officer within the limites of their iurisdictions respectiuely, vnder his or their hand and seale, to be taken and detayned for the said forfeitures, for the space of six dayes then next ensuing, within which time if payment bee not made the same goods to be presently appriſed and sould, and the surplusage and remainder ouer and aboue (if any bee) to bee deliuered to the partie of whom the distresse was taken; And for want of such sufficient di-

stresse,

ſtreſſe, the Conſtables, Churchwarden, or Churchwardens ſo offending, to be by the Maior, Baliffe, or other head Officer, Juſtice, or Juſtices of Peace, committed to the common gaole, there to remaine vntil the ſaid penaltie or penalties be truely paide; for all which penalties which ſo ſhall be leuyed by the ſaid Conſtables or Churchwardens, they the ſaid Conſtables or Churchwardens ſhall bee accomptable to their ſucceſſors, and other the Pariſhioners, in ſuch ſort as they vſually be in other Church reckonings, or accompts, and for all forfeitures to be leuied by reaſon of any neglect of the Conſtables or Churchwardens, thoſe ſhall be accomptable, who by force of any warrant or precept do leuie the ſame, or vpon the inlargement of perſons committed, doe receiue the ſame.

All other Lawes and Statutes touching Inkeepers, Victuallers, and Alehouſekeepers, ſhall ſtill remaine in their former force, and bee put in their due execution. Cap. 9.

All and euery perſon & perſons which haue or keepe anie Greyhounds, for courſing of Deere or Hare, or ſetting Dogge, or Dogges, or Nette or Nets to take Phelaunts or Partridges, except ſuch perſon 1 Ia. cap. 27

person or persons which shall bee seised in their own right, or in the right of their wiues, of landes, tenements, or hereditaments, of the cleare yearely value of x.li. by the yeare or more, ouer and aboue all charges and reprises of some estate of inheritance, or of lands, tenements, or hereditaments, in his owne right, or in the right of his wife, for terme of life or liues, of the yerely value of thirtie pounds, ouer and aboue all charges and reprises, or be possessed of goods or chattels, to the full value of two hundred poundes to his owne vse, or be the sonne or sonnes of any knight or of any Baron of Parliament, or of some person of higher degree, or the sonne and heire apparant of any Esquire, & being thereof conuicted, as aforesaid, shall by the said Iustices of the Peace, be cõmitted & imprisoned in manner & forme as in, and by this present Act before is expressed, specified & declared; Except such person & persons so offending, and thereof conuicted as aforesaid, doe forthwith pay, or cause be payed to the Churchwardens of the said parish, where the said offence shall bee committed, or the partie apprehended, to the vse of the poore of the sayd parish, the summe of fortie shillings of good and lawfull money of England.

No

Cap. 29. No licence or licences heretofore made or graunted, or hereafter to bee made or graunted, to any sicke or infirme person or persons, to eat flesh during the time of his, her, or their sicknes or infirmitie by force of the statute of Anno quinto Eliz. Reg. shall from the feast of S. Michaell next comming, be any sufficient warrant to anie such person or persons, to eate any beefe, veale, porke, mutto, or bacon in the time of Lent, or vpon any day now obserued as a fish day, but that the said sicke or infirme person or persons, shall for dressing, or eating of such beefe, veale, porke, mutton, or bacon, incurre the daunger and penaltie comprised therefore in the sayd Statute, notwithstanding any such licence heretofore granted, or hereafter to be graunted to the contrary.

Cap. 29. No Butcher or other person, whether he be licenced or not licenced to kill flesh, shall from henceforth at anie time in the time of Lent, kill or dresse to the intent to put to sale any ore or oxen, beeues, or beeues, hogges, calues, rammes, ewes, or weathers, except oxen or beeues for victualling of shippes into forreine parts, And except al flesh to be killed three dayes next before Easter perely, vpon paine to forfeit and lose the same oxen, beeues, beuettes, hogges,

hogges, calues, rammes, ewes, and weathers so killed and dressed contrary to this Statute, or the value of them.

Cap. 29. At Iustices of the peace, Maiors, Bailifes, head Officers & Constables, aswell of Cities and Townes corporate, as in euery Countie of this Realme shall haue power and authoritie by force of this act, yearely in the time of Lent, to enter into all houses of Victuallers, and common victualling houses within their iurisdictions, where such offences shal be suspected to be committed, & finding any such oxen, heeues, beeues, hogges, calues, rammes, ewes, or weathers killed or dressed, or any part or parcel of the same, contrary to this Statute, shal take and seise the same as forfeited, and shall giue and distribute the same to prisoners, & other poore folkes by their discretion.

Cap. 29. Euery Tauerner, Inkeeper, keeper of euery common Tabling house, common Cooke, common Tipler, or Victuall keeper, offending at any time hereafter in the dressing of any flesh victuall contrarie to the said Statute, of anno quinto Eliz. or contrary to this Statute, shall not only forfeit all the said flesh so dressed, but also the penalty imposed by the same Statute of anno quinto Eliz. for euery offence to

be

be committed after the feaſt of S. Michaell the Archangell next comming, the one halfe of all which forfeitures, (except ſuch forfeitures as ſhal be found and taken by the Juſtices of Peace, Maiors, Bailifes, head officers and Cõſtables, according to the tenor of this Act) ſhalbe to our Soueraigne Lord the King, and the other halfe to ſuch perſon or perſons as ſhal ſue or informe for the ſame in any Court of Record, by actiõ of debt, bil, plaint, or informatiõ, wherein no eſſoine, protection, or wager of Law ſhalbe allowed to the defendãt.

FINIS.